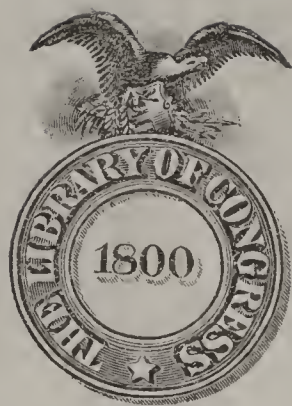


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Initiative and Referendum Publicity Pamphlet State of Arizona

A PAMPHLET

Containing a Copy of All the
PROPOSED AMENDMENTS TO THE CONSTITUTION,
Proposed by the Legislature and Proposed by Initiative Petition

and

MEASURES PROPOSED BY INITIATIVE PETITION,
To be submitted to the Qualified Electors of the State of Arizona for
their Approval or Rejection at the

REGULAR GENERAL ELECTION

to be held on

THE SEVENTH DAY OF NOVEMBER, 1916

Together with the Arguments filed, favoring and opposing certain of
said measures

16-27322

Compiled and issued by

SIDNEY P. OSBORN, Secretary of State

(Publication authorized under Par. 3332, Chapter 1, Title XXII, Re-
vised Statutes of Arizona, 1913, Civil Code.)



JK 8225
1916
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PROPOSED AMENDMENT OF THE CONSTITUTION OF THE
STATE OF ARIZONA.

AN ACT TO AMEND SUBDIVISION 5, OF SECTION 1, OF
ARTICLE IV, OF THE CONSTITUTION OF THE STATE OF ARI-
ZONA, AND TO PROVIDE FOR THE SUBMISSION OF SUCH PRO-
POSED AMENDMENT TO THE PEOPLE OF THE STATE OF
ARIZONA.

To be submitted to the qualified electors of the State of Arizona for
their approval or rejection at the

REGULAR GENERAL ELECTION

to be held

ON THE SEVENTH DAY OF NOVEMBER, 1916.

Referred to the people by the Legislature and filed in the office of the
Secretary of State, March 16, 1915, in accordance with the
provisions of Paragraph 3328, Chapter I, Title XXII,
Revised Statutes of Arizona, 1913, Civil Code.

Printed in pursuance of Paragraph 3332, Chapter I, Title XXII,
Revised Statutes of Arizona, 1913, Civil Code.

SIDNEY P. OSBORN, Secretary of State.

The following is the form and number in which the question will be
printed on the official ballot:

PROPOSED AMENDMENT TO THE CONSTITUTION.

PROPOSED BY THE LEGISLATURE.

AN ACT TO AMEND SUBDIVISION 5, OF SECTION 1, OF AR-
TICLE IV, OF THE CONSTITUTION OF THE STATE OF ARIZONA,
AND TO PROVIDE FOR THE SUBMISSION OF SUCH PROPOSED
AMENDMENT TO THE PEOPLE OF THE STATE OF ARIZONA.
"Initiative and Referendum Measures to become laws when approved
by a majority of the total vote cast at election."

If you favor the above law, vote YES; if opposed, vote NO.

100 Yes.

101 No.

D. of D.
SEP 20 1916

ARGUMENT.

(Affirmative.)

Submitted by

DR. H. K. BEAUCHAMP, Phoenix, Arizona.

In favor of the measure designated on the official ballot as follows:

PROPOSED BY INITIATIVE PETITION.

AN ACT

TO AMEND PARAGRAPHS 3859 AND 3860, CHAPTER IV, TITLE 32, REVISED STATUTES OF ARIZONA, 1913, CIVIL CODE, RELATING TO ABSOLUTE DIVORCE.

If you favor the above law, vote YES; if opposed, vote NO.

308 Yes.

309 No.

ARGUMENT

IN FAVOR OF PROPOSED AMENDMENT TO DIVORCE LAW:

This law as submitted contains the same causes for divorce as in the present law, with additional grounds as set out in Paragraphs 4, 6 and 10.

Paragraph 4 provides that if one of the parties to a marriage is adjudged or determined by a court or commission of competent jurisdiction to be insane the court can, at its discretion, grant a divorce. The experience of physicians and persons who are students of the divorce question have secured the adoption of such a law in nearly all of the States in the Union. The incurable insanity of a head of a family always works a serious hardship upon the wife and especially the children of any such marriage as under the present law it is impossible for the wife to secure a divorce and re-marry, and she and her children are deprived of an opportunity to have a home.

Paragraph 6 is added to the present divorce law and provides that when either party to a marriage becomes addicted to the drug habit it shall be one of the grounds of divorce. No argument is necessary regarding this paragraph as the tying up by the bonds of matrimony for life and compelling either party to a marriage to live and raise children under such circumstances is a crime against nature, and would result in the raising of children who would be mentally and physically deficient.

Paragraph 10 has been added to the present law and provides as a ground for divorce if at the time of marriage a party to a marriage is afflicted with an incurable venereal disease or a similar contagious disease without the knowledge of the other party. This provision is contained in the divorce laws of practically every State in the Union and is endorsed by all eugenic societies and physicians, and many states' eugenic societies have secured the passage of laws which call for physical examinations before marriage for the purpose of preventing the marriage of people who are afflicted with diseases as described in this section. The marriage of persons afflicted with incurable venereal and similar contagious diseases inevitably results in not only ruining the life and health of the other party to the marriage, but has been the means of bringing into the world children who are both mentally and physically deficient, and who have been a charge upon the communities where they live.

The passage of this law will place Arizona in a position to protect its present manhood and womanhood and particularly its future generations, and is a step forward to providing safe family relations and happy homes.

DR. H. K. BEAUCHAMP.

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CHAPTER 70. (Senate Bill No. 32.)

AN ACT

TO AMEND SUBDIVISION 5, OF SECTION 1, OF ARTICLE IV, OF THE CONSTITUTION OF THE STATE OF ARIZONA, AND TO PROVIDE FOR THE SUBMISSION OF SUCH PROPOSED AMENDMENT TO THE PEOPLE OF THE STATE OF ARIZONA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

Section 1. That it is hereby proposed that Subdivision 5, of Section 1, of Article IV, of the Constitution of the State of Arizona shall be amended so as to read as follows:

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

I. INITIATIVE AND REFERENDUM.

(5) Any measure or amendment to the Constitution proposed under the initiative, and any measure to which the referendum is applied, shall be referred to a vote of the qualified electors, and shall become a law when approved by a majority of the total vote of electors voting at said election and upon proclamation by the Governor, and not otherwise."

Sec. 2. The said proposed amendment as set forth in Section 1 of this act is hereby approved, in accordance with the provisions of Section 1, of Article XXI of the Constitution of Arizona.

Sec. 3. When said proposed amendment shall be approved by a majority of each House of the Legislature, and entered on the respective journals thereof, together with the ayes and nays thereon, the Secretary of State shall submit such proposed amendment to the vote of the people at the next regular or general election.

Passed the Senate February 17, 1915.

Passed the House March 6, 1915.

Filed March 16, 1915.

SIDNEY P. OSBORN, Secretary of State.

ARGUMENT.

(Negative.)

Submitted by

ARIZONA STATE FEDERATION OF LABOR

In opposition to the measure designated on the official ballot as follows:

PROPOSED AMENDMENT TO THE CONSTITUTION.

PROPOSED BY THE LEGISLATURE.

AN ACT TO AMEND SUBDIVISION 5, OF SECTION 1, OF ARTICLE IV, OF THE CONSTITUTION OF THE STATE OF ARIZONA, AND TO PROVIDE FOR THE SUBMISSION OF SUCH PROPOSED AMENDMENT TO THE PEOPLE OF THE STATE OF ARIZONA. "Initiative and Referendum Measures to become laws when approved by a majority of the total vote cast at election."

If you favor the above law, vote YES; if opposed, vote NO.

100 Yes.

101 No.

ARGUMENT AGAINST PROPOSED AMENDMENT.

This amendment abolishes the initiative and referendum and restores ring rule, as it leaves the unrestricted power of legislation in the legislature. IT REQUIRES A MAJORITY OF ALL THE VOTES CAST IN AN ELECTION, which would make legislative action by the people difficult and almost impossible.

If the amendment is so beneficial, why should other States be adopting our present system and doing away with the old? If so wise, why are officials of the Nation and the State chosen by a plurality vote? The present National administration, including congress, holds office by a mere plurality vote. PROHIBITION as popular as it was WOULD NEVER HAVE BEEN ADOPTED IN ARIZONA HAD THIS AMENDMENT BEEN IN FORCE.

If this amendment had been in force in 1912, the railroad bills would not have become effective. If it had applied to candidates, there would have been no congressman and no presidential electors. In 1915, PROHIBITION WOULD HAVE FAILED, and if it applied to candidates but six would have been elected.

The proposed amendment would cheat the people of their birth-right, because a small body of voters through ignorance, negligence or malevolence fail to mark their ballot, and EVERY BALLOT NOT MARKED WILL COUNT as a vote AGAINST any measure proposed.

It is absurd to claim that the people as a whole are not as intelligent or as able as the members of a legislature. It is ridiculous to assert, as the advocates of this measure do, that the initiative leads to more ill-advised legislation than the representative system. The history of the whole United States consists of one very long account of legislation, passed by legislatures, which courts have declared unconstitutional. The Eighty Per Cent and the Mothers' Pension laws were thrown out, but what are these as compared to the great mass of legislature—legislation declared void or requiring technical court interpretation on account of its unintelligent composition.

Truly it is a rash commentary on Arizonans to say that the Legislature is wise, but the People are foolish. The people will make errors in passing legislation, whether they adopt it by a majority or plurality, but as they become more accustomed to the exercise of their franchise they will seek out the merits or demerits in a measure, and vote as judgment dictates, which is more than can be hoped for from some legislatures. ARIZONA STATE FEDERATION OF LABOR.

B. T. WILKINSON, President.

PROPOSED AMENDMENT TO THE CONSTITUTION OF THE
STATE OF ARIZONA.

AN ACT APPROVING AND PROPOSING TO THE PEOPLE OF
THE STATE OF ARIZONA AN AMENDMENT OF SECTION 2, AR-
TICLE 9, OF THE CONSTITUTION OF THE STATE OF ARIZONA,

To be submitted to the qualified electors of the State of Arizona for
their approval or rejection at the

REGULAR GENERAL ELECTION

to be held

ON THE SEVENTH DAY OF NOVEMBER, 1916.

Referred to the people by the Legislature and filed in the office of the
Secretary of State, March 16, 1915, in accordance with the
provisions of Paragraph 3328, Chapter I, Title XXII,
Revised Statutes of Arizona, 1913, Civil Code.

Printed in pursuance of Paragraph 3332, Chapter I, Title XXII,
Revised Statutes of Arizona, 1913, Civil Code.

SIDNEY P. OSBORN, Secretary of State.

The following is the form and number in which the question will
be printed on the official ballot:

PROPOSED AMENDMENT TO THE CONSTITUTION.

PROPOSED BY THE LEGISLATURE.

APPROVING AND PROPOSING TO THE PEOPLE OF THE
THE STATE OF ARIZONA AN AMENDMENT OF SECTION 2, AR-
TICLE 9, OF THE CONSTITUTION OF THE STATE OF ARIZONA.
"Exemptions from Taxation."

If you favor the above law, vote YES; if opposed, vote NO.

102 Yes.

103 No.

(On Official Ballot Nos. 102 and 103.)

CHAPTER 69. (Senate Bill 79.)

AN ACT

APPROVING AND PROPOSING TO THE PEOPLE OF THE STATE OF ARIZONA AN AMENDMENT OF SECTION 2, ARTICLE 9, OF THE CONSTITUTION OF THE STATE OF ARIZONA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

Section 1. That there is hereby approved, proposed and submitted to the people of the State of Arizona, an amendment to Section 2, Article 9, of the Constitution of the State of Arizona, so that said section as amended shall read as follows:

Sec. 2. That there shall be exempted from taxation all Federal, State, county and municipal property. Property of educational, charitable, and religious associations or institutions not used or held for profit may be exempted from taxation by law. Public debts, as evidenced by the bonds of Arizona, its counties, municipalities, or other subdivisions, shall also be exempt from taxation. There shall further be exempt from taxation, the property of widows, residents of this state, not exceeding the amount of two thousands dollars, where the total assessments of such widow does not exceed five thousand dollars. All property in the State not exempt under the laws of the United States or under this constitution, or exempted by law under the provisions of this section, shall be subject to taxation to be ascertained as provided by law. This section shall be self-executing.

Sec. 2. When said proposed amendment shall be approved by a majority of each House of the Legislature and entered on the respective journals thereof, together with the ayes and nays thereon, the Secretary of State shall submit such proposed amendment to the vote of the people at the next regular or general election.

Passed the Senate March 9, 1915.

Passed the House March 11, 1915.

Filed March 16, 1915.

SIDNEY P. OSBORN, Secretary of State.

PROPOSED AMENDMENT TO THE CONSTITUTION OF THE
STATE OF ARIZONA.

THAT THE CONSTITUTION OF THE STATE OF ARIZONA BE
AND IS HEREBY AMENDED BY ADDING THERETO ANOTHER
ARTICLE, THE SAME TO BE NUMBERED XXIV.

To be submitted to the qualified electors of the State of Arizona for
their approval or rejection at the

REGULAR GENERAL ELECTION

to be held

ON THE SEVENTH DAY OF NOVEMBER, 1916.

Proposed by Initiative petition of the people and filed in the office of
the Secretary of State, July 6, 1916, in accordance with the
provisions of Paragraph 3328, Chapter I, Title XXII,
Revised Statutes of Arizona, 1913, Civil Code.

Printed in pursuance of Paragraph 3332, Chapter I, Title XXII,
Revised Statutes of Arizona, 1913, Civil Code.

SIDNEY P. OSBORN, Secretary of State.

The following is the form and number in which the question will
be printed on the official ballot:

PROPOSED AMENDMENT TO THE CONSTITUTION.

PROPOSED BY INITIATIVE PETITION.

THAT THE CONSTITUTION OF THE STATE OF ARIZONA BE
AND IS HEREBY AMENDED BY ADDING THERETO ANOTHER
ARTICLE, THE SAME TO BE NUMBERED XXIV, "Prohibition."

If you favor the above law, vote YES; if opposed, vote NO.

104 Yes.

105 No.

(On Official Ballot, Nos. 104 and 105.)

AMENDMENT TO THE CONSTITUTION OF THE STATE OF
ARIZONA.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

That the constitution of the State of Arizona be and is hereby amended by adding thereto another article, the same to be numbered XXIV, and to read as follows, to-wit:

Section 1. It shall be unlawful for any person in the State of Arizona to receive, or cause to be received, from without the State of Arizona, for any purpose, any ardent spirits, ale, beer, wine or intoxicating liquors of any kind, and it shall be unlawful for any person in the State of Arizona to have in his possession, for any purpose, any ardent spirits, ale, beer, wine, or intoxicating liquors of any kind, which he has introduced or caused to be introduced into the State of Arizona, and it shall be unlawful for any person to transport or cause to be transported, within the State of Arizona, any ardent spirits, ale, beer, wine, or intoxicating liquors of any kind, provided, that it shall be lawful for any regularly ordained priest or clergyman of an established church to receive, transport and possess wine to be used only for sacramental purposes, and provided further, that the University of Arizona, through its Board of Regents, may introduce, receive, transport and possess grain alcohol for scientific uses, and may use and may distribute such alcohol under such restrictions and regulations as said Board of Regents may from time to time adopt, to other institutions of research and learning, for scientific uses. And provided further, that nothing herein shall prevent the introduction, transportation and possession of denatured alcohol.

Sec. 2. Every person who shall violate any provision of section one of this article or any rule or regulation made thereunder, shall be guilty of a misdemeanor, and shall be imprisoned for not less than ten days, nor more than two years, and fined not less than twenty-five dollars and costs, and not more than three hundred dollars and costs for each offense; and the liquors received, transported or possessed in violation of section one of this article or manufactured, introduced, or disposed of in violation of article XXIII of this constitution, shall be by the court ordered publicly destroyed.

Filed July 6th, 1916.

SIDNEY P. OSBORN, Secretary of State.

ARGUMENT

(Affirmative)

Submitted by

TEMPERANCE FEDERATION OF ARIZONA

In favor of the measure designated on the official ballot as follows:

PROPOSED AMENDMENT TO THE CONSTITUTION.

PROPOSED BY INITIATIVE PETITION.

THAT THE CONSTITUTION OF THE STATE OF ARIZONA BE AND IS HEREBY AMENDED BY ADDING THERETO ANOTHER ARTICLE, THE SAME TO BE NUMBERED XXIV, "Prohibition."

If you favor the above law, vote YES; if oposed, vote NO.

104 Yes.

105 No.

TEXT.

An amendment to the Constitution of the State of Arizona, Prohibiting the receiving from without the State, the possession, by a person introducing into the State, the transportation within the State of Arizona, of ardent spirits, ale, beer, wine, or intoxicating liquors, and providing for the destruction of liquors used in violation of above provisions.

ARGUMENT.

(Affirmative.)

The Prohibition Amendment adopted at the last election was eminently satisfactory to the people of Arizona. Until changed by the Court it was an absolute success. The sole purpose of
Aim of this proposed amendment is to meet the objections of
Amendment the Court and get the law back precisely to where it was before. It is only a question of voting for what was carried at the last election. On the advice of the best attorneys in the State this form of amendment is proposed and it is guaranted to stand the test.

The recent decision of the State Supreme Court held that our Prohibition Amendment permits the introduction of liquor for personal use.

Need for this Amendment. This ruling defeats the object of our Constitution; for the ultimate end and purpose of a prohibitory law is to prevent the use of liquor as a beverage. The inevitable consequence of the use of intoxicating-liquor is intemperance, and that is productive of a large per cent of crime, and of injury to health and morals, and industry. If, therefore, liquors can be introduced for personal use, intemperance is not prevented, and cooperative clubs, unrestricted and unlicensed, are as great a menace and detriment as the open saloon. Therefore, to close up this gap of personal use through which intoxicating liquors are now flowing in great and increasing quantities, which permits everyone that can pay the price, to have and to consume as much liquor as he wishes; to be in a chronic state of alcoholization; or to indulge in as many "jags" as possible; it becomes necessary to adopt this proposed amendment.

The Proposed Amendment does not prohibit the use of intoxicating liquors, nor does it prohibit the possession except as it may be introduced for that purpose, and then it prohibits possession only by the person introducing the liquor. This clause **Use not Prohibited.** Nor is necessary to bring the prohibitory introduction under **Possession** the Webb-Kenyon law. This provision together with the **Except in** one forbidding transportation from one part of the State **One Instance.** to the other, will simplify the present problem of illegal introduction and sale, by making it very difficult for bootleggers to bring in and to dispose of intoxicating liquor. The framers of the Amendment followed in the way pointed out by the Courts. So far as possession is concerned it does not touch liquors already within the State, nor does it touch the liquor acquired in any other way, except by introduction.

The Courts would make exceptions for sacramental wine, as it is a mode of religious worship, if it were not made here. A law without this exception would be inoperative in this particular. **Provisions for Sacramental and Scientific Purposes.** What the United States Constitution and Court decisions guarantee we cannot take away. This amendment must stand the test before the Courts. Scientists and students of research are also permitted pure grain alcohol for such experiments requiring its use.

Experience has proved that no State has been able to pass laws sufficiently adequate for the use, and for preventing the abuse of alcohol for pharmaceutical purposes. In Seattle, Washington, forty new drug store licenses were taken out in one month. "Some of these stores being no larger than a hole in the wall." Recently \$2,500.00 worth of liquor was seized from drug stores in Seattle, and there are many other instances showing that the privilege is greatly abused. Drug stores will be able to have every tincture known to the United States pharmacopoeia shipped in.

The short time in which the prohibition amendment had a fair trial it vindicated its right to a perpetual existence. Our "personal use" period of prohibition has shown the farce of temporizing with the evil. **The Issue.** The issue is clear. Do we want what we voted for?

The first Saturday night after Prohibition went into effect the bakeries in all the large cities were sold out by six o'clock and the grocery stores did a holiday trade. The merchants are almost unanimous in saying their business has increased, and payments improved. The banks show a great gain in deposits. Stores formerly used as saloons are now occupied by other lines of business. Picture shows have increased in number and attendance. Crime has decreased by a large per cent. The \$10,000,000.00, annually which was formerly spent for liquors has remained in the State, adding to our material wealth and prosperity, to the health and happiness of our citizens and the education of our children.

To be sure the licenses of our States amounted to a substantial sum, but if our prohibition law is properly enforced this sum is counter-balanced by fines and by the saving in the welfare departments of the State, that is, the reduced cost of sheriff and police officers, the prisons, jails, and reform school and the county poor. During the first six months of prohibition there were no murders or attempts to kill in Pinal County, as compared with seventeen in the same time before prohibition. Can any money value be placed on this saving of life? But even should prohibition be an expense to the State, a far greater expense than it ever could be, would this sum or any sum pay the price for the murders, the debauched young men, the ruined girls, the blasted ambition and the lost souls?

Are the citizens of Arizona so cheap, are the husbands and sons of so little value that for a paltry sum they can be bartered and sold to the liquor interests? Answer this with your vote.

Respectfully submitted,

TEMPERANCE FEDERATION OF ARIZONA.

PROPOSED AMENDMENT OF THE CONSTITUTION OF THE
STATE OF ARIZONA.

AN ACT TO AMEND ARTICLE IV OF THE CONSTITUTION OF
THE STATE OF ARIZONA.

To be submitted to the qualified electors of the State of Arizona for
their approval or rejection at the

REGULAR GENERAL ELECTION

to be held

ON THE SEVENTH DAY OF NOVEMBER, 1916.

Proposed by initiative petition of the people and filed in the office of the
Secretary of State, July 6, 1916, in accordance with the pro-
visions of Paragraph 3328, Chapter I, Title XXII,
Revised Statutes of Arizona, 1913, Civil Code.

Printed in pursuance of Paragraph 3332, Chapter I, Title XXII.
Revised Statutes of Arizona, 1913, Civil Code.

SIDNEY P. OSBORN, Secretary of State.

The following is the form and number in which the question will
be printed on the official ballot:

PROPOSED AMENDMENT TO THE CONSTITUTION.

PROPOSED BY INITIATIVE PETITION.

AN ACT TO AMEND ARTICLE IV OF THE CONSTITUTION OF
THE STATE OF ARIZONA. "Legislative Redistricting."

If you favor the above law, vote YES; if opposed, vote NO.

106 Yes.

107 No.

(On Official Ballot Nos. 106 and 107.)

AN ACT

TO AMEND ARTICLE IV OF THE CONSTITUTION OF THE STATE
OF ARIZONA.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

That Section 1 of Subdivision 2 of Article IV of the Constitution of the State of Arizona, be, and the same is hereby amended so as to read as follows:

“Section 1. The Senate shall consist of not less than nineteen members and the House of Representatives of not less than thirty-five members. Senators and representatives shall be apportioned among the several counties as follows:

“There shall be elected from each county, at large, one senator for each five thousand votes cast in such county for the office of Governor at the last preceding general election, to be determined from the official canvass of all votes cast for all candidates for said office; provided, however, that not less than one senator nor more than two senators shall be elected from any county.

“There shall be elected from each county, in the manner hereinafter directed, one representative for each one thousand five hundred votes cast in such county for the office of Governor at the last general election, to be determined as above directed; provided, however, that no county shall have a smaller number of representatives than that to which it is now entitled.

“Within six months from the time this amendment is declared adopted, the Board of Supervisors of each county entitled to more than one representative shall divide such county into as many legislative districts as there may be representatives to be elected from such county, and each of such districts shall be entitled to elect one representative. Such division shall be so made that the legislative districts within a county shall contain, as nearly as may be, the same voting population. Such districts shall be compact in form, and no such district shall include non-contiguous portions of any county. Before establishing such districts the Board of Supervisors shall give at least thirty days notice of their intentions so to do, by publishing the same in two successive issues of some newspaper of general circulation published in such county. The order of the Board of Supervisors establishing such districts shall clearly and explicitly define the boundaries thereof, and shall be entered at large on the official records of the proceedings of such Board.

“Any such county shall be redistricted by such Board of Supervisors not less than six months prior to each regular election for representatives, when by reason of the number of votes therein cast for

the office of Governor at the last preceding general election, it shall be entitled to a greater number of representatives. In counties entitled to but one representative, such representative shall be elected from the county at large."

That Section 3 of Subdivision 2 of Article IV of the Constitution of the State of Arizona, be, and the same is hereby amended so as to read as follows:

"Section 3. The sessions of the Legislature shall be held biennially at the capitol of the state, and shall commence on the second Monday of January next after the election of members of the Legislature. The Governor, or a majority of the members of the Legislature, may call a special session whenever in his, or their, judgment is advisable. In calling such special session, the Governor, or the members of the Legislature calling the same, shall specify the subjects to be considered at such session, and at such session no laws shall be enacted except such as relate to the subjects mentioned in such call. Calls for special sessions shall be filed in the office of the Secretary of State at least ten days prior to the date mentioned therein as being the date upon which such session shall convene. Forthwith, upon the filing of any such call, the Secretary of State shall cause copies thereof, certified under the seal of the state, to be transmitted by registered mail to all members of the Legislature."

That Section 21 of Subdivision 2 of Article IV of the Constitution of the state of Arizona, be, and the same is hereby amended so as to read as follows:

"Section 24. The terms of office of members of the Fourth Legislature and all succeeding Legislatures, shall be four (4) years. Special elections shall be called in any county or legislative district for the purpose of electing a member of the Legislature from such county or district to fill any vacancy caused by the death, resignation or removal of the member regularly elected from such county or district."

That Section 22 of Subdivision 2 of Article IV of the Constitution of the State of Arizona, be, and the same is hereby amended so as to read as follows:

"Section 22. Members of the Legislature shall receive mileage one way by the shortest practicable route at the rate of twenty cents per mile, payable at the opening of any regular or special session of the legislature, and shall be paid an annual salary of four hundred dollars per annum, payable biennially upon the adjournment of the regular session of the legislature, upon warrants drawn by the State Auditor, but no such payment shall be made to any member who shall have failed to attend any session of the Legislature, unless such member shall have been excused from such attendance by resolution adopted by a majority of the house of which he is a member. In case of the unexcused absence of any member, continuing for a period of ten (10) days or longer, his seat shall be declared vacant and a special election shall be called to elect his successor."

Filed July 6th, 1916.

SIDNEY P. OSBORN, Secretary of State.

ARGUMENT.

(Affirmative.)

Submitted by

W. M. ADAMSON, Douglas, Arizona.

In favor of the measure designated on the official ballot as follows:

PROPOSED AMENDMENT TO THE CONSTITUTION.

PROPOSED BY INITIATIVE PETITION.

AN ACT TO AMEND ARTICLE IV OF THE CONSTITUTION OF THE STATE OF ARIZONA. "Legislative Redistricting."

If you are in favor of the law, vote YES; if opposed, vote NO.

106 Yes.

107 No.

ARGUMENT.

The proposed amendment to our State Constitution providing for the election of members of our State Legislature by legislative districts is not an innovation; it is in effect in many of our States. It is based on the same principle and follows the same rule that has been in effect since the formation of our government in the election of senators and representatives to our National Congress. Senators are elected from the states at large, and Representatives from Congressional Districts.

In this proposed amendment the apportionment is so made, and it is definitely stated, that no county shall have less representation in the State Legislature than it has at present, but it provides for an increase in the representation when the population of the County justifies it. The constitutional provision now in effect does not make any allowance for increase in representation with the growth of population in this State. The proposed amendment gives each county equitable representation, and provides a system of Home Rule by which every section of the State can have its representation in the Legislature, so that each particular locality of fifteen hundred voters shall have a representative to look after its interests.

When you consider the diversified resources of some of our counties this feature of the amendment is particularly desirable. It is a means of securing the best qualified men in each locality to become candidates for the Legislature, for the reason that in small districts of fifteen hundred voters, where a man is known to every voter in the district, his qualifications to represent a particular district in the Legislature will be the consideration with the great bulk of the voters rather than his political affiliation.

How many voters can call by name or know anything of the men from their respective counties who represented them in the last Legislature. We venture to say a very small number of the voters know even the names, much less the qualifications, of their representatives, who make the laws that govern them, and who provide for the expenditure of the millions of dollars collected in taxes in this State. They were elected at large from the counties, and the average voter voted for them simply because their names appeared on the ticket he usually voted, no attention whatever being paid to their qualifications.

Mr. Voter, ask yourself this question: Who represented me in the Legislature last session? If these men were elected by legislative districts of fifteen hundred voters, every voter in the District would be intimately acquainted with his representative and his qualifications for the position, every section of your county would have equitable representation, and the more populous section would have no advantage over the more thinly populated portions of the county. Each would have an equal chance to elect its own representatives.

The Constitution of this State grants women the right of suffrage and this necessarily carries with it the right to hold office. The Legislature is a fruitful field for the activities of women interested in political affairs, but it is almost a physical impossibility for a woman to make a campaign over a county larger than an eastern state for the sake of being elected to the Legislature, which meets for sixty days every two years. The election by legislative districts makes it possible for more women to be elected to the Legislature.

This same argument applies to the average business or professional man. He has not and will not give the time from his business, no matter what it may be, to make a campaign over one of those large counties. Thus the state is deprived of the services of men and women competent to make our laws and appropriations for the conduct of our State government running into millions of dollars. The question of who shall represent you in the Legislature is a serious one and one deserving of more thought and attention than it has heretofore received from the majority of the voters of this State.

This proposed amendment provides for an annual salary for members of the Legislature, rather than the present system of a per diem allowance. This eliminates the incentive to delay public business for the purpose of forcing the executive to call special sessions of the Legislature, so that the members may continue to draw their per diem allowance from the State treasury.

Our first State Legislature met according to law on January 18, 1912, and between that date and June 1, 1915, we have had two regular and five special sessions. As far as we know, only two other states in the Union had one extra session each in the same space of time. You will admit that there is something radically wrong when this State, with the smallest population of any State in the Union except one, shall have two regular and five special sessions of the legislature between January 18, 1912, and June 1, 1915.

These sessions of the Legislature cost the tax payers two hundred sixty-three thousand two hundred eighty dollars and sixty-four cents (\$263,280.64), of which one hundred sixteen thousand four hundred and

twenty-four dollars (\$116,424.00) was paid in salaries to members of the Legislature, and the remaining one hundred forty-six thousand eight hundred fifty-six dollars and sixty-four cents (\$146,856.64) was paid for attaches, mileage and incidentals. These figures are taken from the records of the State Auditor's office and can be verified by any one interested.

What have the voters of this State received for this expenditure of more than a quarter of a million of dollars? Do you know the names of your representatives in the Legislatures who profited to this extent by your votes? By the adoption of the proposed amendment there is no possibility of such a condition arising. There would be no need of extra special sessions of the Legislature unless some extraordinary condition should arise in this State that would justify the executive in calling the members of the Legislature together. Then, being on an annual salary, and receiving only mileage for this extra work, they would naturally get through with their business in the shortest possible time, and there would be no large expense for attaches.

Under our form of government the Legislature, like the judiciary being entirely independent of the executive department, we have made the term of office four years, thus enabling a man to better serve his constituents by reason of his experience along legislative lines. Members of the Legislature only serve sixty days every two years. A four year term gives a man an opportunity to become familiar with the needs of his district. It enables his constituents to confer with him regarding the needs of his district, and gives him ample time to prepare the necessary bills for introduction at the next session of the Legislature.

Under the provisions of our present Constitution, members of the Legislature are the only officials in this State who are practically exempt from the Recall. A man elected in November assumes office the following January when the Legislature convenes, and his services ordinarily are completed sixty days later. It is manifestly impossible to recall a member of the Legislature in a large county of ten or twelve thousand voters before his term of service expires. Besides, it would be impossible to get another candidate to make a campaign for the vacancy in case a recall petition was circulated.

Under the proposed amendment, a man elected in a district of fifteen hundred voters, and having a four year term of office, will be exceedingly careful to represent the sentiments of his district on all matters coming before the Legislature, as it will be a comparatively easy matter to get a candidate to make the campaign in a small district if a recall petition should be circulated. Besides, it will be very much easier to recall a man in a district of fifteen hundred voters than in a county of four or five thousand and upwards.

This measure is absolutely non-partisan. It makes no pretense of changing the present method of electing state senators. It simply provides for an increase in membership when the population of some of the smaller counties warrants it. There is no advantage or disadvantage to any political party in electing the members of the lower house of the Legislature by legislative districts as proposed in the amendment. It is the very personification of representative government. It gives the people the right to elect representatives personally known to them. It

makes the recall provisions of the constitution effective as to members of the Legislature. It gives every section of the State and of each County equitable representation, and does not permit the more populous sections to name the members of the Legislature to the exclusion of the less populous sections.

There is no reasonable or logical argument that can be advanced and successfully maintained against this proposed amendment. Read it over carefully for yourself, study it, analyze it, and if there is anything in it you do not understand, write the Secretary of the Non-Partisan Legislative League, Douglas, Arizona, and he will enlighten you. If this proposed amendment appeals to you and if you believe that it will give us a better and more representative State Legislature, vote for it and work for its adoption on November 7, 1916. Do not let the politicians of any party, or those interested in the present method of electing the Legislature, influence you to vote against this amendment. Remember they always have an axe to grind, and are interested in the Legislature for their own selfish ends. This amendment puts the control of the Legislature in the hands of the people. Your representatives will be responsible to you, and you only.

The Non-Partisan Legislative League, composed of tax payers and citizens of this State, is not interested in the candidacy of any man. Its only object is to place the merits of this proposed amendment before the voters of the State. The enormous expense of our Legislature prompts this action. Two hundred sixty-three thousand two hundred eighty dollars and sixty-four cents (\$263,280.64) for legislation since January, 1912, should make the citizens of this State interested in its welfare. Investigate and find out what it is that is so radically wrong with this branch of the State Government.

W. M. ADAMSON, Douglas, Arizona.

PROPOSED AMENDMENT TO THE CONSTITUTION OF THE
STATE OF ARIZONA.

THAT THE AMENDMENT TO THE CONSTITUTION OF THE
STATE OF ARIZONA ADOPTED AT THE GENERAL ELECTION
HELD ON THE 3d DAY OF NOVEMBER, 1914, AND KNOWN AS
ARTICLE XXIII, BE AMENDED BY ADDING THERETO ANOTHER
SECTION TO BE KNOWN AS SECTION 4.

To be submitted to the qualified electors of the State of Arizona for
their approval or rejection at the

REGULAR GENERAL ELECTION

to be held

ON THE SEVENTH DAY OF NOVEMBER, 1916.

Proposed by Initiative petition of the people and filed in the office of
the Secretary of State, June 22, 1916, in accordance with the
provisions of Paragraph 3328, Chapter I, Title XXII,
Revised Statutes of Arizona, 1913, Civil Code.

Printed in pursuance of Paragraph 3332, Chapter I, Title XXII,
Revised Statutes of Arizona, 1913, Civil Code.

SIDNEY P. OSBORN, Secretary of State.

The following is the form and number in which the question will
be printed on the official ballot:

PROPOSED AMENDMENT TO THE CONSTITUTION.

PROPOSED BY INITIATIVE PETITION.

THAT THE AMENDMENT TO THE CONSTITUTION OF THE
STATE OF ARIZONA ADOPTED AT THE GENERAL ELECTION
HELD ON THE 3d DAY OF NOVEMBER, 1914, AND KNOWN AS AR-
TICLE XXIII, BE AMENDED BY ADDING THERETO ANOTHER
SECTION, TO BE KNOWN AS SECTION 4. "Local Option."

If you favor the above law, vote YES; if opposed, vote NO.

108 Yes.

109 No.

(On Official Ballot Nos. 108 and 109.)

AMENDMENT

to the

CONSTITUTION OF THE STATE OF ARIZONA.

That the amendment to the Constitution of the State of Arizona adopted at the general election held on the 3d day of November, 1914, and known as Article XXIII, be amended by adding thereto another section to be known as Section 4, and to read as follows, to-wit:

Section 4. After January 1, 1917, fifteen per centum of the qualified voters of any County, including the incorporated Cities and Towns of said County, under the power of the initiative and in the manner provided by law for its exercise by Counties, may propose any measure exempting such County, including the incorporated Cities and Towns thereof, from any or all of the provisions of the foregoing sections of this Article, and when so proposed it shall be the duty of the Board of Supervisors of such County to forthwith call an election for some date not less than 30 nor more than 60 days from the date of such call; and to provide for, make and put in force all necessary provisions for the holding of such election at which such measure shall be submitted to the qualified voters residing within the County, including those residing within incorporated Cities and Towns thereof, and if such measure shall receive the approval of the majority of the legal voters voting at such election, to be ascertained and the result announced in conformity as near as may be to the law applicable to the exercise of the initiative by Counties, said measure shall become effective according to its provisions and shall become the law of such County notwithstanding the provisions of the foregoing sections, until the same be amended or repealed in the manner herein provided for its adoption. Should such measure as submitted not receive the approval of the majority of the total number of legal voters voting at such election in the County, but should receive the approval of the majority of the legal voters residing within any incorporated City or Town within said County and voting therein at such election, said measure shall become effective according to its provisions within said City or Town, notwithstanding the provisions of the foregoing sections, until the same be amended or repealed in the manner herein provided for the adoption of such measures by municipalities.

And after January 1, 1917, fifteen percentum of the qualified voters of any incorporated City or Town, in the manner and mode provided by existing law for the exercise of the initiative by municipalities, may propose any measure exempting such City or Town, as the case may be, from any or all of the provisions of the foregoing sections of this Article and when so proposed it shall be the duty of the Mayor and Common Council, or Mayor and Commission, as the case may be, of the incorporated City or Town proposed in said measure to be exempt, to forthwith call an election for such date not less than 30 nor more than 60 days from the date of such call; and to provide for, make and put in force all necessary provisions for the holding of such election at which such measure shall be submitted to the qualified voters residing within the incorporated City or Town to be affected thereby and if such measure shall receive the approval of a majority of the legal voters voting at such election, to be ascertained and the result announced in conformity as near as may be to existing laws applicable to the exercise of the initiative by municipalities, said measure shall become effective according to its provisions and shall become the law of such City or Town, notwithstanding the provisions of the foregoing sections, until the same to be amended or repealed in the manner herein provided for its adoption.

PROVIDED, However, that no measure that may be adopted as in this section provided shall make lawful or exempt any person from the penalties prescribed in Section 1 of this Article, for the sale of intoxicating liquors, who shall sell, exchange, give, barter or dispose of intoxicating liquors of any kind between the hours of 11 P. M. and 6 A. M., or upon Sunday, or during the voting hours of any day upon which any general or special election may be held, or who shall sell, exchange, barter, give or dispose of such liquor to any minor or habitual drunkard;

PROVIDED FURTHER, that no such measure shall be effective to permit anyone to engage in the business of selling or dealing in intoxicating liquors whether as owner or proprietor, or bartender or other like employee of such owner or proprietor, unless such person shall be a citizen of the United States; and no such measure shall be effective unless it shall make provision for the licensing of any such person to engage in said business; and unless it shall contain a provision requiring that every dealer or proprietor of a place where intoxicating liquors are sold shall, before he shall engage in said business, give bond to the State to be approved by the Board of Supervisors of the County in an amount not less than Two Thousand (\$2,000) Dollars, conditioned that such dealer or proprietor and any employee or employees of such dealer or proprietor shall obey the law appertaining to the sale and other like disposition of intoxicating liquors; and unless it shall provide in case of a breach of said bond, for its due enforcement and also for the forfeiture of the license of such dealer and of his offending employee; and unless it shall further provide that such dealer or proprietor, in addition to any license tax required to be paid by him, shall be required to pay an annual license tax, to be collected as other license taxes are collected, of not less than \$500.00 payable semi-annually, which said sum of Five Hundred (\$500) Dollars shall be paid into the County Road Fund of the county in which the license is issued, and become a part of said Road Fund and expended by the Board of Supervisors of said county for the maintenance and repair of any state highway constructed or in course of construction in said County.

PROVIDED FURTHER, that every such measure shall contain a provision limiting the maximum number of places within any such County, City or Town, where intoxicating liquors may be sold, to one place for each thousand inhabitants and major fraction thereof residing within such County exclusive of incorporated Cities and Towns thereof, or within such City or Town, as the case may be, except that where any such County measure shall become a law as in this section provided, if a majority of the taxpayers of any voting precinct within such County and not within any incorporated City or Town thereof shall petition the Board of Supervisors of the County in which said voting precinct is located for a larger number of licenses to issue than one for each one thousand inhabitants and major fraction thereof within the limits of said voting precinct, then in the discretion of said Board of Supervisors a larger number of licenses may be issued and granted in said voting precinct than one for each one thousand inhabitants and major fraction thereof.

AND PROVIDED FURTHER, that it shall be lawful to manufacture ardent spirits, ale, beer, wine or intoxicating liquor at any place within the State of Arizona for sale within any County, City or Town which may be exempted from the provisions of Section 1 of this Article, or for shipment or sale outside the State of Arizona or in any foreign country.

Filed July 6th, 1916.

SIDNEY P. OSBORN, Secretary of State.

 ARGUMENT.

(Negative.)

Submitted by

ARIZONA TEMPERANCE FEDERATION.

Against the measure designated on the official ballot as follows:

 PROPOSED AMENDMENT TO THE CONSTITUTION.

 PROPOSED BY INITIATIVE PETITION.

THAT THE AMENDMENT TO THE CONSTITUTION OF THE STATE OF ARIZONA ADOPTED AT THE GENERAL ELECTION HELD ON THE 3d DAY OF NOVEMBER, 1914, AND KNOWN AS ARTICLE XXIII, BE AMENDED BY ADDING THERETO ANOTHER SECTION TO BE KNOWN AS SECTION 4. "Local Option."

If you favor the above law, vote YES; if opposed, vote NO.

108 Yes.

109 No.

 LOCAL OPTION ARGUMENT.

(Negative.)

A vote for this amendment is a vote for the return of the saloon. With one "wet" county or town in the State the whole State will be flooded with liquor and every community will be menaced by the evil. The sole aim of this amendment is to bring the saloon back. It is promoted by those who hope to profit by preying upon the appetite, the weakness and the vice of their fellow men.

**Means
Return of
Saloon**

This amendment provides that in every city, town or county an election can be held every two months if so desired and requirements are fulfilled. The liquor interests, whose profits are enormous and far greater than in any other industry, can well afford the expense of a campaign every two months, in order to ultimately gain their object. For their success they will depend upon wearing the people out with frequent elections, upon their becoming indifferent in oft repeated strifes, or they may hope to carry their point during the summer months when a large part of the people, especially

**Dangerous
Precedent
of Frequent
Elections**

the women, are out of the State. It would set an unwise precedent for frequent elections, and aside from the great expense to cities, towns and counties, would, if applied to other vital laws, make the government of our State very unstable. Two years ago, when the wets believed that the State would remain wet, they proposed that no election on this question should be held for eight years. I quote from their argument: "It is of interest to know that during the past four years separate prohibition elections have cost the taxpayers of Arizona fully \$50,000.00, and this, too, when but five counties in the State conducted such elections. Arizona has fourteen counties, and should each hold prohibition elections every two years, (as it is possible under the present law), in eight years it would be possible to run such election expenses up to several hundreds of thousands of dollars." Then they claimed that the cost of four elections in eight years was enormous, yet NOW, if as many elections should be held as this amendment provides for, there would be forty-eight elections for each county in the eight years.

It is very interesting to note that the saloon men believed two years ago, that if a locality were wet, there would be no change in sentiment for eight years at least. Now that we have prohibition they think sentiment can change in two months. I quote from their argument of two years ago: "There is absolutely no necessity for elections on problems of this kind at lesser periods than eight years by reason of the fact that sentiment in Arizona or other communities does not change oftener than every eight years, and elections on any given question in any given community held oftener than eight years establish similar results to the first expression."

The laws of Arizona require that a person be a resident of a county for thirty days before he can vote on county issues and for county officers. At any regular election the liquor interests could hire one thousand men in the State of Arizona and have them move into any county or town, voting on the liquor question, one month before election and with this vote they could turn the election their way.

The regulation for night and Sunday closing, and selling to minors and habitual drunkards, is a farce. Similar laws adorn the Statute Books of every state, yet they are universally disregarded, for in these respects, the saloon keepers are notorious law breakers. The sponsors of this Amendment promise not to sell to habitual drunkards, but nowhere do they promise not to take the young men of this State and make them into habitual drunkards. After they have gotten their money and manhood, their health and happiness they promise then to turn them out without a drink. They shrewdly use the term "habitual drunkards," well knowing that the habitual drunkard is their finished product, a down and out who more often begs than buys a drink. Besides endorsing prohibition for minors and drunkards, this amendment proposes prohibition for certain hours of the night, and for one day each week—Sunday. If prohibition is a good thing from eleven to six o'clock at night and on Sundays and election days, why can't it furnish us with a continuous performance for the general good?

The Amendment proposes that only American Citizens may become saloon owners or keepers, hoping thereby to give the traffic an air of respectability. The owner of the saloon or the **Exclusive** seller of the liquor do not change its quality. Whether sold by an American or a foreigner liquor plays havoc with humanity just the same. True Americanism cannot be consistent with a traffic that for money will ruin men's lives, health and happiness; a traffic that is responsible for more crime and vice than any other one cause; that exists only for the great profit to the maker and dealer.

The proposed Amendment stipulates that it will not only pay any license that the city may ask, but in addition each saloon keeper will pay a \$500.00 license. In other words, it offers to collect **Great Profits** a certain per cent of the city, town or county taxes, for the privilege of immunity for robbing the people of more than ten times that amount. This gives an idea of the great profit of the traffic. What merchant could do business with such stipulations?

The \$500.00 which every saloon keeper must pay for county roads is calculated to catch the county vote. This is a bribe offered to those who constantly use the roads. While this bait is thrown **A Bait for the County Vote** out to the county, this amendment permits the wet majority of the cities to force the saloon on the whole county. But on the other hand the dry majority of the country communities, regardless of how large it may be, cannot force the city to accept prohibition.

This Amendment gives each community the right to say whether or not it will have saloons. But it destroys local option or local self government in regard to the manufacture of liquor. It will permit a brewery and the manufacture of liquor in every **Permits Manufacture of Liquor Everywhere** square mile of territory in the State of Arizona, regardless of whether it is wet or dry. Think of a prohibition community where they manufacture liquor!

The proposed Prohibition Amendment is a frank and fearless expression of the desires of the people. It will not permit the people of Arizona to support saloons in some other state, thereby helping to continue them in that state. It will make prohibition successful by placing the law back to where it was before the personal use decision by the court. It **Proposed Dry Amendment Will Do the Work** proposes the kind of prohibition that prohibits; as is shown by the fact that there was a decrease of over 85 per cent in drunkenness for the first year of prohibition.

Adoption of the local option amendment means the return of the saloon. It is wholly vicious and if adopted will be a great blow to the prosperity of the State and integrity of the home. "Local Option" means saloons. Vote NO on this Measure.

Respectfully submitted,

ARIZONA TEMPERANCE FEDERATION.

PROPOSED AMENDMENT TO THE CONSTITUTION OF THE
STATE OF ARIZONA.

TO PROVIDE FOR THE PROTECTION AND SAFETY OF WORKMEN IN ALL PLACES OF EMPLOYMENT AND FOR THE INSPECTION AND REGULATION OF PLACES OF EMPLOYMENT IN ALL INHERENTLY HAZARDOUS WORKS AND OCCUPATIONS; PROVIDING A SCHEDULE OF COMPENSATION FOR INJURY TO OR DEATH OF WORKMEN AND METHODS OF PAYING THE SAME AND PRESCRIBING THE LIABILITY OF EMPLOYERS WHO DO NOT ELECT TO PAY SUCH COMPENSATION; ESTABLISHING THE INDUSTRIAL ACCIDENT BOARD, DEFINING ITS POWERS AND DUTIES; PROVIDING FOR A REVIEW OF ITS AWARDS; AND ABROGATING ANY AND ALL LAWS AND CONSTITUTIONAL PROVISIONS IN CONFLICT HEREWITH.

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the

REGULAR GENERAL ELECTION

to be held

ON THE SEVENTH DAY OF NOVEMBER, 1916.

Proposed by Initiative petition of the people and filed in the office of the Secretary of State, July 6, 1916, in accordance with the provisions of Paragraph 3328, Chapter I, Title XXII, Revised Statutes of Arizona, 1913, Civil Code.

Printed in pursuance of Paragraph 3332, Chapter I, Title XXII, Revised Statutes of Arizona, 1913, Civil Code.

SIDNEY P. OSBORN, Secretary of State.

The following is the form and number in which the question will be printed on the official ballot:

PROPOSED AMENDMENT TO THE CONSTITUTION.

PROPOSED BY INITIATIVE PETITION.

TO PROVIDE FOR THE PROTECTION AND SAFETY OF WORKMEN IN ALL PLACES OF EMPLOYMENT AND FOR THE INSPECTION AND REGULATION OF PLACES OF EMPLOYMENT IN ALL INHERENTLY HAZARDOUS WORKS AND OCCUPATIONS; PROVIDING FOR A SCHEDULE OF COMPENSATION FOR INJURY TO OR DEATH OF WORKMEN AND METHODS OF PAYING THE SAME, AND PRESCRIBING THE LIABILITY OF EMPLOYERS WHO DO NOT ELECT TO PAY SUCH COMPENSATION; ESTABLISHING THE INDUSTRIAL ACCIDENT BOARD, DEFINING ITS POWERS AND DUTIES; PROVIDING FOR A REVIEW OF ITS AWARDS; AND ABROGATING ANY AND ALL LAWS AND CONSTITUTIONAL PROVISIONS IN CONFLICT HEREWITH.

If you favor the above law, vote YES; if opposed, vote NO.

110 Yes.

111 No.

(On Official Ballot Nos. 110 and 111.)

PROPOSED AMENDMENT OF THE CONSTITUTION OF THE
STATE OF ARIZONA.

To provide for the protection and safety of workmen in all places of employment and for the inspection and regulation of places of employment in all inherently hazardous works and occupations; providing a schedule of compensation for injury to or death of workmen and methods of paying the same, and prescribing the liability of employers who do not elect to pay such compensation; establishing the industrial accident board, defining its powers and duties; providing for a review of its awards; and abrogating any and all laws and Constitutional provisions in conflict herewith.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

That the Constitution of the State of Arizona be and is hereby amended by adding thereto another Article, the same to be numbered XXIV and to read as follows, to-wit:

PART I.

GENERAL PROVISIONS

Section 1. (a) This Article shall be known and may be cited as the workmen's compensation law. Part I shall contain those sections which have a general application to the whole of the Article and may be referred to as the "general provisions"; Part II shall contain those sections which refer to compensation plan number one; Part III shall contain those sections which refer to compensation plan number two; Part IV shall contain those sections which refer to compensation plan number three; Part V shall contain those sections which may be referred to as the "safety provisions."

(b) Whenever compensation plan number one, two, or three, or the safety provisions of this Article shall be referred to, such reference shall also be held to include all other sections which are applicable to the subject matter of such reference.

(c) The "compensation provisions" of this Article, whenever referred to, shall be held to include the provisions of compensation plans number one, two, or three, and all other sections of this Article applicable to the same or any part thereof.

Sec. 2. (a) There is hereby created a board to consist of three members. The Secretary of State shall be one member, the State Auditor shall be one member, and one member shall be appointed by the governor, which board shall be known as the industrial accident board, and shall have the powers, duties, and functions hereinafter conferred. The term of office of the appointed member of the board shall be for four years and until his successor shall have been appointed and qualified. He shall receive an annual salary of thirty-six hundred dollars, payable monthly, and shall be the chairman of the board. The board shall elect one of their number as treasurer of the board.

(b) A vacancy in the office of the appointed member of the board shall be filled in the same manner as the original appointment, but shall only be for the unexpired term of such vacancy. The appointed member shall not be removed except for cause, and after a hearing had before and a finding made by the remaining members of the board, and

both of the remaining members of the board must concur in the removal of the appointed member.

(c) Each member shall, upon entering upon the duties of his office, execute to the State of Arizona and file with the Secretary of State a bond in the sum herein prescribed, executed by not less than four responsible sureties or by some surety company authorized to become sole surety on bonds in the State of Arizona, such bonds to be approved by the governor, and conditioned that he will faithfully and impartially discharge the duties of his office. Such bonds shall be in addition to any other bonds required by law to be furnished.

(d) The bond of the treasurer of the board shall be in a sum to be fixed by the Governor, not less than twenty-five thousand dollars (\$25,000) nor more than one hundred thousand dollars (\$100,000). The bonds of the members of the board other than the treasurer shall be in the sum of ten thousand dollars (\$10,000).

(e) Neither the Secretary of State nor the State Auditor shall receive any additional compensation for the duties imposed upon them by this Article.

(f) A majority of the board shall constitute a quorum for the transaction of any business. A vacancy on the board shall not impair the right of the remaining members to perform all of the duties and exercise all the powers and authority of the board. The act of the majority of the board when in session as a board shall be deemed to be the act of the board, but any investigation, inquiry, or hearing which the board has power to undertake or to hold may be undertaken or held by or before any member thereof or any examiner or referee appointed by the board for that purpose. Every finding, order, decision, or award made by any commissioner, examiner, or referee pursuant to such investigation, inquiry, or hearing when approved and confirmed by the board and ordered filed in its office, shall be deemed to be the finding, order, decision, or award of the board.

(g) The board shall have a seal bearing the following inscription: "Industrial Accident Board, State of Arizona, Seal." The seal shall be affixed to all writs and authentications of copies of records, and to such other instruments as the board shall direct. All courts shall take judicial notice of said seal.

(h) The board shall keep its principal office in the capitol of the state, and shall be provided with suitable rooms, necessary office furniture, stationery and other supplies. For the purpose of holding sessions in other places, the board shall have power to rent temporary quarters.

(i) The board shall appoint a Secretary, who shall hold office at the pleasure of the board. It shall be the duty of the secretary to keep a full and true record of all the proceedings of the board, to issue all necessary processes, writs, warrants, and notices which the board is required or authorized to issue, and generally to perform such other duties as the board may prescribe.

(j) The board shall employ such assistants and other employees as it may deem necessary to carry out the provisions of this Article.

(k) All officers and employees of the board shall receive such compensation for their services as may be fixed by the board, shall hold office at the pleasure of the board, shall perform such duties as are imposed on them by law or by the board.

(l) The salaries of members of the board, secretary, and every other person holding office or employment under the board, as fixed by law, or by the board, shall, after being approved by the board upon claims therefor, be paid monthly out of the general fund on warrants drawn by the State Auditor therefor.

(m) All expenses incurred by the board pursuant to the provisions of this Article, including the actual and necessary traveling and other expenses and disbursements of the members thereof, its officers, and employees incurred while on business of the board, either within or without the state, shall, unless otherwise provided in this Article, after being approved by the board, be paid out of the general fund on warrants drawn by the State Auditor therefor.

(n) The board shall cause to be printed such blank forms as it shall deem requisite to facilitate or promote the efficient administration of this Article. It shall provide a book in which shall be entered the minutes of all its proceedings, a book of record in which shall be recorded all awards made by the board, and such other books or records as it shall deem requisite for the purpose and efficient administration of this Article. All such records are to be kept in the office of the board.

(o) The board shall have the power and authority to publish and distribute, at its discretion, from time to time, in addition to its annual report, such further reports and bulletins covering its operations, proceedings, and matters relative to its work as it may deem advisable.

(p) The board shall have power and authority to charge and collect the following fees:

1. For copies of papers and records not required to be certified or otherwise authenticated by the board, 15 cents for each folio; for certified copies of official documents, and orders filed in its office or of the evidence taken at any hearing, 20 cents for each folio.

2. To fix and collect reasonable charges for publications issued under its authority.

3. The fees charged and collected under this section shall be paid monthly into the treasury of the State, and shall be accompanied by a detailed statement thereof.

(q) The attorney general shall be the legal adviser of the board and shall represent it in all proceedings whenever so requested by the board or any member thereof.

Sec. 3. (a) In an action to recover damages for personal injuries sustained by an employee in the course of his employment or for death resulting from personal injuries so sustained, it shall not be a defense (1) that the employee was negligent, unless such negligence was wilful; (2) that the injury was caused by the negligence of a fellow employee; (3) that the employee had assumed the risk inherent in, incident to, or arising out of his employment, or arising from the failure of the employer to provide and maintain a reasonably safe place to work or reasonably safe tools or appliances.

(b) The provisions of Section 3 (a) shall not apply to actions to recover damages for personal injuries sustained by household or domestic servants, farm or other laborers engaged in agricultural pursuits, or persons whose employment is of a casual nature.

(c) Any employer who elects to pay compensation as provided in this Article shall not be subject to the provisions of Section 3 (a) nor shall such employer be subject to any other liability whatsoever for the death of or personal injury to any employee except as in this article provided; and, except as specifically provided in this article, all causes of action, actions at law, suits in equity, and proceedings whatever, and all statutory and common-law rights and remedies for, and on account of such death of, or personal injury to, any such employee are hereby abolished: Provided, That Section 3 (a) shall not apply to actions brought by an employee who has elected not to come under this

article, or by his representatives, for damages for personal injuries or death against an employer who has elected to come under this Article.

(d) When both the employer and employee have elected to come under this Article, the provisions of this article shall be exclusive, and such election shall be held to be a surrender by such employer and such employee of their right to any other method, form, or kind of compensation, or determination thereof, or to any other compensation or kind of determination thereof, or cause of action, action at law, suit in equity, or statutory, or common law, right, or remedy, or proceeding whatever, for, or on account of, any personal injury to or death of such employee, except as such rights may be herein after specifically granted; and such election shall bind the employee himself and in case of death shall bind his personal representative and all persons having any right or claim to compensation for his injury or death, as well as the employer, and those conducting his business during liquidation, bankruptcy, or insolvency.

(e) Where a public corporation is the employer, or any contractor engaged in the performance of contract work for such public corporation, the terms, conditions, and provisions of compensation plan number three shall be exclusive, compulsory, and obligatory upon both employer and employee. Any sums necessary to be paid under the provisions of this Article by any public corporation shall be considered to be ordinary and necessary expenses of such corporation, and the governing body of such public corporation shall make appropriation of and pay such sums into the accident or administration, fund as the case may be, at the time, and in the manner provided for in this Article, notwithstanding that such governing body may have failed to anticipate such ordinary and necessary expense of any budget, estimate of expenses, appropriation, ordinance, or otherwise.

(f) Every employer engaged in the industries, works, occupations, or employments in this Article specified as "hazardous" may on or before the first day of January, 1917, if such employer be then engaged in such hazardous industry, work, occupation, or employment or at any time thereafter, or, if such employer be not so engaged on said date, may on or after thirty days before entering upon such hazardous work, occupation or employment, or at any time thereafter, elect whether he will be bound by either of the compensation plans mentioned in this Article. Such election shall be in the form prescribed by the board, and shall state whether such employer shall be bound by compensation plan number one, or compensation plan number two, or compensation plan number three, and a notice of such election, with the nature thereof, shall be posted in a conspicuous place in the place of business of such employer, and a copy of such notice, together with an affidavit of such posting, shall be filed with the board.

(g) Every employee in the industries, works, occupations, or employments in this Article specified as "hazardous" shall become subject to and be bound by the provisions of that plan of compensation which shall have been adopted by his employer, unless such employee shall elect not to be bound by any of the compensation provisions of this Article and until such employee shall have made such election. Such election shall be made by written notice in the form prescribed by the board, served upon the employer, and a copy filed with the board, together with the proof of such service.

(h) If the employer shall fail to make the election herein provided for, at the time, and in the manner herein prescribed, such employer shall be presumed to have elected not to be bound by the pro-

visions of either compensation plan number one or compensation plan number two or compensation plan number three for that calendar year, unless such employer shall elect to become subject to or bound by this Article in the manner provided for such election in the first instance. After having once elected to be bound by one or the other of the compensation plans provided in this Article, such employer shall be bound by such election for said first calendar year and each succeeding calendar year, unless such employer shall, not less than thirty or more than sixty days prior to the end of any calendar year, elect not to be bound by either of such compensation plans, after the expiration of said calendar year or unless he shall elect to be bound for the succeeding calendar year by a different compensation plan than the one by which he is then governed. Such election must be made in the manner provided for in reference to the first election of such employer under this Article.

(i) It is the intention of this Article that any employer engaged in hazardous occupations as defined herein shall, before being bound by either of the compensation plans herein provided, elect to be so bound thereby, and that the employee shall be presumed to have elected to be subject to and bound by the provisions of the particular plan which may have been adopted by his employer, unless such employer shall affirmatively elect not to be bound by this Article. No election by an employer not to be bound by this Article shall be of any force or effect as to any injury or injuries occurring prior to such election.

(j) Any employee who has elected not to be bound by the provisions of this Article in the manner herein provided may revoke such election and elect to come thereunder at any time. Any employer who has failed to elect to be bound by either one or the other of the compensation plans herein mentioned may, at any time during any calendar year, elect to be bound thereby, which said election shall be made as hereinbefore provided; but whenever any employer or employee shall have elected to come under the provisions hereof, such election, when it shall have been made, shall bind such employer and employee for the rest of the then calendar year.

(k) No compensation shall be paid to any employee, whether such employee has elected to come under this Article or not, where his employer has failed to elect and has failed to come under one or the other of the compensation plans herein provided.

Sec. 4. (a) This Article is intended to apply to all inherently hazardous works and occupations within this State, and it is the intention to embrace all thereof in Sections 4 (b), 4 (c), 4 (d), and 4 (e), and the works and occupations enumerated in said sections are hereby declared to be hazardous.

(b) Construction Work:—Tunnels, bridges, trestles, subaqueous works, ditches and canals (other than irrigation without blasting), dock excavations, fire escapes, sewers, house moving, house wrecking, iron or steel frame structures or parts of structures, electric light or power plants, or systems, telegraph or telephone systems, pile driving, steam railroads, steeples, towers, or grain elevators, not metal framed; dry docks, without excavation; jetties, breakwaters, chimneys, marine railways, waterworks or water systems; electric railways, cable railways, street railways, with or without rock work or blasting; erecting fireproof doors or shutters; steam heating plants; blasting; tanks, water towers, or windmills, not metal framed; shaft sinking; concrete buildings; freight or passenger elevators; fireproofing of buildings; galvanized iron or tin work; gas works or systems; marble, stone or brick work; road making, with or without blasting; roof work; safe moving; slate work; plumbing work, inside or outside; metal smokestacks or chim-

neys; excavations not otherwise specified; blast furnaces; street or other grading; advertising signs; ornamental work on buildings; ship or boat building or rigging, with or without scaffolding; carpenter work not otherwise specified; installation of steam boilers or engines; placing wires in conduits; installing dynamos; putting up belts for machinery; marble, mantel, stone, or tile setting; metal ceiling work; mill or ship wrighting; painting of buildings or structures; installation of automatic sprinklers; concrete laying in floors, foundations, or street paving; asphalt laying; covering steam pipes or boilers; installation of machinery not otherwise specified; drilling wells; installing electrical apparatus or fire-alarm apparatus in buildings; househeating or ventilating systems; glass setting; building hothouses; lathing, paper hanging, plastering, wooden-stair building.

(c) Operation (including repair work) of logging, cable, electric, street, steam, or other railroads; dredges; interurban electric railroads using third-rail systems; electric light or power plants; quarries; telegraph systems; stone crushers; blast furnaces; smelters, coal mines; gas works; steam boats; tugs and ferries; mines other than coal; steam heating or power plants; grain elevators; laundries; waterworks; paper mills; pulp mills; garbage and fertilizer works.

(d) Factories using power-driving machinery:—Stamping tin metal; bridge work; railroad, car, or locomotive making or repairing; cooperage; logging, with or without machinery; sawmills, shingle mills, staves, veneer, box, lath, packing cases, sash, doors, blinds, barrel, keg, pail, basket, tub, woodenware, or wooden fiber ware; rolling mills; making steam shovels or dredges; tanks; water towers; asphalt; building material not otherwise specified; fertilizer; cement, stone with or without machinery; kindling wood; mast or spars with or without machinery; canneries; metal stamping; creosoting works; excelsior; iron, steel, copper, zinc, brass, or lead articles or wares, not otherwise specified; working in wood not otherwise specified; hardware; tile, brick, terra cotta, fire clay, pottery earthenware, porcelain ware; peat fuel, briquettes; breweries; bottling works; boiler works; founderies; machine shops not otherwise specified; cordage; working in foodstuffs, including oils, fruits, and vegetables; working in wool, cloth, leather, paper, broom, brush, rubber, or textiles not otherwise specified; making jewelry; making soap, tallow, lard, grease, condensed milk; creameries; printing, electrotyping, photo-engraving, engraving and lithographing; sugar factories.

(e) Miscellaneous Work:—Operating stockyards, with or without railroad entry; packing houses; wharf operations; artificial ice and refrigerating or cold-storage plants; tanneries; electric systems not otherwise specified; theater stage employes, including moving picture machine operators; fireworks manufacturing, powder works.

Sec. 5. If there be or arise any hazardous occupation or work other than hereinbefore enumerated it shall become under this Article and its terms, conditions, and provisions as fully and completely as if hereinbefore enumerated.

Sec. 6. Unless the context otherwise requires, words and phrases employed in this Article shall have the meaning hereinafter defined.

(a) "Factories" means undertakings in which the business of working at commodities is carried on with power-driven machinery, whether in manufacture, repair, or change, and shall include the premises, yards, and plant of the concern.

(b) "Workshop" means any plant, yard, premises, room, or place where power-driven machinery is employed and manual labor is

exercised by way of trade or gain or otherwise in or incidental to the process of making, altering, repairing, printing or ornamenting, finishing, or adapting for sale, or otherwise, any article or part of article, machinery, or thing over which premises, room, or place the employer of the person working therein has the right of access or control.

(c) "Mill" means any plant, premises, room, or place where machinery is used; any process of machinery, changing, altering, or repairing any article or commodity for sale, or otherwise, together with the yards and premises which are a part of the plant, including elevators, warehouses, and bunkers.

(d) "Mine" means any mine where coal, clay, ore, mineral, gypsum, or rock is dug or mined underground.

(e) "Quarry" means an open cut from which coal is mined, or clay, ore, mineral, gypsum, sand, shale, gravel, or rock is cut or taken for manufacturing, building, or construction purposes.

(f) "Engineering work" means any work of construction, improvement, or alteration or repair of buildings, streets, highways, sewers, street railways, railroads, logging roads, interurban roads, harbors, docks, canals; electric, steam, or water power plants; telegraph and telephone plants and lines; electric light and power lines, and includes any other work for the construction, alteration, or repair of which machinery driven by mechanical power is used.

(g) "Reasonably safe place to work" means that the place of employment has been made as free from danger to the life or safety of the employee as the nature of the employment will reasonably permit.

(h) "Reasonably safe tools and appliances" are such tools and appliances as are adapted to and are reasonably safe for use for the particular purpose for which they are furnished, and shall embrace all safety devices and safeguards provided or prescribed by the "safety provisions" of the Article for the purpose of mitigating or preventing a specific danger.

(i) "Employer" means any person, firm, association, or corporation, and includes the State, counties, municipal corporations, cities under special charter and commission form of government, school districts, towns, or villages, and independent contractors, and shall include the legal representative of a deceased employer.

(j) "Employee" and "workman" are used synonymously, and means every person in this State, including a contractor other than "an independent contractor," who, after January 1st, 1917, is engaged in the employment of an employer carrying on or conducting any of the industries classified in sections 4 (a), 4 (b), 4 (c), 4 (e), and 5 of this Article whether by way of manual labor or otherwise or whether upon the premises or at the plant of such employer, or who is engaged in the course of his employment away from the plant of his employer: Provided, however,

1. If the injury to a workman occurring away from the plant of his employer is due to the negligence or wrong of another not in the same employ, the injured workman, or, if death results from such injury, beneficiaries or dependents, as the case may be, shall elect whether to take under this Article or seek a remedy against such others; such election shall be made in advance of the commencement of the action.

2. If he take under this Article the cause of action against such other shall be assigned to the State for the benefit of the industrial accident fund, or the employer or insurer, as the case may be.

3. Any such cause of action assigned to the State may be prosecuted or compromised by the board in its discretion.

4. If such workman, his beneficiaries, or dependents, as the case may be, shall elect to proceed against the person responsible for the injury, such election shall constitute a waiver of any right to compensation under the provisions of this Article.

(k) "Injury" means and shall include death resulting from injury.

(l) "Beneficiary" means and shall include a surviving wife or husband and a surviving child or children under the age of sixteen years, and an invalid child or invalid children over the age of sixteen years, or if no surviving wife or husband, then the surviving child or children under the age of sixteen years, and any invalid child or children over the age of sixteen years in whom shall vest a right to receive compensation under this Article.

(m) "Major dependent" means if there be no beneficiaries as defined in section 6 (1), the father and mother of the survivor of them, if actually dependent to any extent upon the decedent at the time of his injury.

(n) "Minor dependent" means, if there be no beneficiary as defined in section 6 (1), and if there be no major dependent as defined in section 6 (m), the brothers and sisters, if actually dependent upon the decedent at the time of his injury.

(o) "Invalid" means one who is physically or mentally incapacitated.

(p) "Child" include a posthumous child, a step-child, a child legally adopted prior to the injury, an illegitimate child legitimized prior to the injury.

(q) "Injury" or "injured" refers only to an injury resulting from some fortuitous event as distinguished from the contraction of disease.

(r) Wherever the singular is used the plural shall be included, and wherever the plural is used the singular shall be included.

(s) Wherever the masculine gender is used the feminine and neuter shall be included.

(t) The term "physician" shall include "surgeon" and in either case shall mean one authorized by law to practice his profession in this State.

(u) "Week" means six working days, but includes Sundays.

(v) "Wages" means the average daily wages received by the employee at the time of the injury for the usual hours of employment in a day, and overtime is not to be considered.

(w) "Wife" or "widow" means only a wife or widow living with or legally entitled to be supported by the deceased at the time of the injury.

(x) "Husband" or "Widower" means only a husband or widower incapable of supporting himself and living with or legally entitled to be supported by the deceased at the time of her injury.

(y) "Board" means the Industrial Accident Board of the State of Arizona.

(z) "Commissioner" means one of the members of the industrial accident board.

(aa) "Appointed member of the board" means that member of the industrial accident board appointed by the governor.

(bb) "Order" shall mean and include any decision, rule, regulation, direction, requirement, or standard of the board, or any other determination arrived at or decision made by such board, excepting general or local orders, as herein specified.

(cc) "General order" shall mean and include such order made under the safety provisions of this Article as applies generally throughout the State to all persons, employments, or places of employment, or employees working in such places of employment classed as hazardous in this Article.

(dd) "Local order" shall mean and include any ordinance, order, rule or determination of any public corporation or any order or direction of any other public official, board, or department upon any matter over which the industrial accident board has jurisdiction.

(ee) "Pay roll," "annual pay roll," or "annual pay roll for the preceding year" means the average annual pay roll of the employer for the preceding calendar year, or, if the employer shall not have operated a sufficient, or any, length of time during such calendar year, twelve times the average monthly pay roll for the current year: Provided, that an estimate may be made by the board for any employer starting in business where no average pay rolls are available, such estimate to be adjusted by additional payment by the employer or refund by the board, as the case may actually be, on December 31st of such current year.

(ff) "Year" unless otherwise specified, means calendar year. "Fiscal year" means the period of time between the first day of July and the thirtieth day of the succeeding June.

(gg) "Public Corporation" means the state, or any county, municipal corporation, school district, city, city under commission form of government, or special charter town or village.

(hh) "Insurer" means any insurance company authorized to transact business in this state insuring any employer under this Article.

(ii) "Casual employment" means employment not in the usual course of trade, business, profession, or occupation of the employer.

(jj) "The plant of the employer" shall include the place of business of a third person while the employer has access to, or control over such place of business for the purpose of carrying on his usual trade, business or occupation.

(kk) "An independent contractor" is one who renders service in the course of an occupation, representing the will of his employer only as the result of his work and not as to the means by which it is accomplished.

Section 7. (a) In computing compensation to children and to brothers and sisters, only those under sixteen years of age, or invalid children over the age of sixteen years, shall be included, and, in the case of invalid children, only during the period in which they are under that disability (within the maximum time limitations elsewhere in this Article provided), after which payment on account of such person shall cease. Compensation to children, or brothers, or sisters (except invalids) shall cease when such persons reach the age of sixteen years.

(b) If any beneficiaries or major or minor dependents of a deceased employee die, or if the widow or widower remarry, the right of such beneficiary or major or minor dependent, or such widow or widower, to compensation under this Article shall cease.

Section 8. (a) No compensation under this Article, except as

otherwise provided by treaty, shall be paid to any major or minor dependents not residing within the United States at the time of the injury to the decedent.

(b) Except as otherwise provided by treaty, no compensation in excess of fifty per centum of the compensation provided in this Article, shall be payable to any beneficiary not residing within the United States at the time of the injury to the decedent: Provided, however, that no compensation shall be allowed to any non-resident, alien beneficiary who is a citizen of a government having compensation law which excludes citizens of the United States, either resident or non-resident, from partaking of the benefit of such law in the same degree as herein extended to non-resident beneficiaries.

(c) Nothing in Section 8 (b) shall prevent the compromise of any sums due a beneficiary not residing in the United States at the time of the injury to the decedent for a sum less than fifty per centum of the compensation provided in this Article upon the approval of the board of such compromise settlement.

(d) Before payment of compensation to a beneficiary not residing within the United States satisfactory proof of such relationship as to constitute a beneficiary under this Article shall be furnished by such beneficiary duly authenticated under seal of an officer of a Court of law in the country where such beneficiary resides, at such times and in such manner as may be required by the board. And such proof shall be conclusive as to the identity of such beneficiary, and any other claim of any other person to any such compensation shall be barred from and after the filing of such proof.

Section 9. (a) Payment of compensation to a beneficiary not residing within the United States may be made to any plenipotentiary or consul or consular agent within the United States representing the country in which such non-resident beneficiary resides, and the written receipt of such plenipotentiary, or consul, or consular agent shall acquit the employer, the insurer, or the board, as the case may be.

(b) Where payment is due to a child under sixteen years of age, or to a person adjudged incompetent the same, shall be made to the parent, or the duly appointed guardian, as the case may be, and the written receipt of such parent or guardian shall acquit the employer, the insurer, or board, as the case may be. In other cases payment shall be made to the person entitled thereto or to his duly authorized representative.

Section 10. (a) In case of personal injury or death all claims shall be forever barred unless presented within six months from the date of the happening of the accident.

(b) No limitations of time, as provided in this Article shall run as against any injured workman who is mentally incompetent and without a guardian, or an injured minor under sixteen years of age who may be without a parent or guardian. A guardian in either case may be appointed by any court of competent jurisdiction, in which event, the period of limitation, as provided in section 10 (a), shall begin to run on the date of the appointment of such guardian, or when such minor arrives at the age of sixteen years.

Section 11. (a) Where any employer procures any work to be done, wholly or in part, for him by a contractor other than an independent contractor, and the work so procured to be done is a part or process in the trade or business of such employer, then such employer shall be liable to pay all compensation under this Article to the same extent as

if the work were done without the intervention of such contractor. And the work so procured to be done shall not be construed to be "casual employment."

(b) Where any employer procures work to be done as specified in section 11 (a), such contractor and his employees shall be presumed to have elected to have come under that plan of compensation adopted by the employer, unless they shall have otherwise elected, as provided herein.

(c) Where any employer procures any work to be done, wholly or in part for him, by a contractor, where the work so procured to be done is casual employment as to such employer, then such contractor shall become the employer for the purposes of this Article.

(d) Where any employer procures any work to be done, payment for which is to be made in property other than money or its equivalent, and the value of which property is speculative or intangible, the wages of the employees receiving such compensation shall be determined by the board in accordance with the going wage for the same or similar work in the district or locality where the same is to be performed: Provided, however, That where an employer procures any work to be done by any contractor, or through him by a subcontractor, the payment for which is to be made in property other than money or its equivalent, and the value of which property is speculative or intangible, then and in that event the employer shall not be liable for compensation, but such liability shall fall upon the contractor or subcontractor, as the case may be.

Section 12. (a) If an injured employee dies and the injury was the proximate cause of such death, then the beneficiary or the major or minor dependents of the deceased, as the case may be, shall receive the same compensation as though the death occurred immediately following the injury, but the period during which the death benefit shall be paid shall be reduced by the period during or for which compensation was paid for the injury.

(b) If the employee shall die from some cause other than the injury, there shall be no liability for compensation after his death.

(c) The question as to who constitutes a beneficiary or a major or minor dependent shall be determined as of the date of the happening of the accident to the employee, whether death shall immediately result therefrom or not.

Section 13. (a) Whenever in case of injury the right to compensation under this Article would exist in favor of any employee, he shall, upon the written request of his employer or the insurer, submit from time to time to examination by a physician, who shall be provided and paid for by such employer or insurer, and shall likewise submit to examination from time to time by any physician selected by the board, or any member, or examiner, or referee thereof.

(b) The request or order for such examination shall fix a time and place therefor, due regard being had to the convenience of the employee, and his physical condition and ability to attend at the time and place fixed. The employee shall be entitled to have a physician, provided and paid for by himself, present at any such examination. So long as the employee, after such written request, shall fail or refuse to submit to such examination, or shall in any way obstruct the same, his right to compensation shall be suspended. Any physician employed by the employer, the insurer or the board who shall make or be present at any such examination may be required to testify as to the results thereof.

Section 14. (a) Nothing in this Article shall be construed as preventing employers and workmen from waiving the provisions of Section 16 (f) of this Article and entering into mutual contracts or agreements providing for hospital benefits and accommodations to be furnished to the employee.

(b) Such hospital contract or agreements must provide for medical, hospital, and surgical attendance for such employee for sickness contracted during the employment, except venereal diseases, and sickness as a result of intoxication, as well as for injuries received arising out of and in the course of the employment.

(c) No assessment of employees for such hospital contracts or benefits shall exceed \$2.00 per month for each employee, except in cases where it shall appear to the satisfaction of the board, after a hearing had for that purpose, that the actual cost of such service exceeds the said sum of \$2.00 per month, and any such finding of the board may be modified at any time when justified by a change of conditions, or otherwise, either upon the board's own motion or the application of any party in interest.

(d) No profit, directly or indirectly, shall be made by any employer as a result of such hospital contract or assessments. It is the purpose and intent of this Article to provide that where hospitals are maintained by employers such hospitals shall be no more than self-supporting from assessment of employees, and that where hospitals are maintained by other than the employer all sums derived by assessment of employees shall be paid in full to such hospital without deduction by the employer.

(e) Each and every hospital maintained wholly or in part by payments from workmen, which furnishes treatment and services to employees for sickness and injury, as provided in this Article, shall be under the supervision of the board as to the services and treatment rendered such employees, and shall from time to time make reports of such services, attendances, treatments, receipts and disbursements as the board may require.

(f) Neither an employer, an insurer, nor the board shall be liable in any way for any act in connection with the treatment or care, or malpractice in treatment or care, of any sickness or injury sustained by an employee or the beneficiary of any hospital contract, where such act or treatment or malpractice in treatment is caused, or alleged to have been caused, by any physician, hospital, or attendant furnished by such employer, insurer, or the board. In any action for malpractice arising out of the operations of this Article the merits of such action shall be investigated by the industrial accident board, and the finding of the board in relation thereto shall be filed with the clerk of the Court in which such action is pending.

Section 15. In any action to recover damages for any act connected with the treatment or care or malpractice in treatment or care of any sickness or injury sustained by an employee the question of whether or not due care was given by the defendants shall be a question of law for the Court.

Section 16. Every employer who shall become bound by and subject to the provisions of compensation plan number one, and every employer and insurer who shall become bound by and subject to the provisions of compensation plan number two, and the industrial accident fund where the employer of the injured employee has become bound by

and subject to the provisions of compensation plan number three, shall be liable for the payment of compensation in the manner and to the extent hereinafter provided to an employee who has elected to come under this Article and who shall receive an injury arising out of and in the course of his employment, or, in the case of his death from such injury, to his beneficiaries, if any; or, if none, to his major dependents, if any; or, if none, to his minor dependents, if any.

(a) For an injury producing temporary total disability, fifty per centum of the wages received at the time of the injury, subject to a maximum compensation of twelve and 50-100 dollars per week and a minimum compensation of six dollars per week; Provided, that if at the time of injury the employee received wages of less than six dollars per week that he shall receive the full amount of such wages per week. Such compensation shall be paid during the period of disability, but not, however, in any event, exceeding three hundred weeks.

(b) For an injury producing total disability permanent in character, fifty per centum of the wages received at the time of the injury, subject to a maximum compensation of twelve and 50-100 dollars per week and a minimum compensation of six dollars per week; Provided, that if at the time of the injury the employee received wages of less than six dollars per week, then he shall receive the full amount of such wages per week. Such compensation shall be paid during the period of disability, not exceeding four hundred weeks, after which time payment shall continue during disability at the rate of five dollars per week.

(c) For an injury producing partial disability, one-half of the difference between the wages received at the time of the injury and the wages which such injured employee is able to earn thereafter, not exceeding, however, the difference between the wages which the injured employee is able to earn after the injury and the maximum compensation allowed in cases of total disability; Provided, however, that such a sum shall be paid as compensation in each case, which, when added to the wages which the injured employee is able to earn after the injury, will equal the minimum compensation allowed in cases of total disability. Such compensation shall be paid during the period of disability, not exceeding, however, 150 weeks in cases of permanent partial disability and 50 weeks in cases of temporary partial disability.

(d) Where the injury causes death, fifty per centum of the wages received at the time of the injury to his beneficiaries, if any, residing within the United States at the date of the happening of the injury, or if residing outside of the United States, fifty per centum of said compensation, or, if none, then forty per centum of the wages received at the time of the injury to his major dependents, if any, if residing in the United States at the date of the happening of the injury, or, if none, then thirty per centum of the wages received at the time of the injury to his minor dependents, if any, residing within the United States at the date of the happening of the injury, subject to a maximum compensation of twelve and 50-100 dollars per week and a minimum compensation of six dollars per week, for a period not exceeding 400 weeks: Provided, That if at the time of the injury the employee received wages of less than six dollars per week, the full amount of such wages per week for a period of not exceeding 400 weeks.

(e) There shall be paid in addition to other compensation, if death occurs within six months of the happening of the injury, the reasonable burial expenses of the employee, not exceeding \$75. If the employee

leaves no beneficiaries or major or minor dependents, this shall be the only compensation.

(f) During the first two weeks after the happening of the injury the employer or insurer or the accident fund, as the case may be, shall furnish reasonable medical and hospital services and medicines as and when needed, in an amount not to exceed fifty dollars in value, except as otherwise in this act provided, and when the employer is a party to a hospital contract, unless the employee shall refuse to allow them to be furnished.

(g) No compensation shall be allowed or paid during the first two weeks of any injury, except as may be required by the provisions of section 16 (f).

(h) Compensation for all classes of injuries shall run consecutively and not concurrently, and as follows: First, the two weeks' medical and hospital services and medicines as provided in section 16 (f), unless the employee is a contributor to a hospital fund, as otherwise in this act provided; after the first two weeks' compensation as provided in section 16 (a) or 16 (b) or 16 (c); following either or none of the above, compensation as provided in section 16 (i); following any or either or none of the above, if death results from the accident within six months of the date of the injury, burial expenses as provided in section 16 (e); following which, compensation to beneficiaries, if any, following which, if no beneficiaries, compensation to major dependents; following which, if no beneficiaries and no major dependents, compensation to minor dependents, if any: Provided, That no compensation shall be paid to a major or minor dependent who does not reside within the United States or who did not reside within the United States at the date of the happening of the injury. Compensation due to beneficiaries shall be paid to the surviving spouse, if any, or if none, then divided equally among or for the benefit of the children. Compensation due to major dependents, where there be more than one, shall be divided equally among them.

(i) In case of the following specified injuries, the compensation, in lien of any other compensation provided by this Article other than that provided in section 16 (f), unless the employee is a contributor to a hospital fund, as otherwise in this Article provided, shall be fifty per centum of the wages received at the time of the injury, subject to a maximum compensation of twelve and 50-100 dollars per week and a minimum compensation of six dollars per week: Provided, That if at the time of the injury the employee received wages of less than six dollars per week, then he shall receive the full amount of such wages per week, and shall be paid for the following periods:

For the loss of—	
One arm at or near shoulder.....	220 weeks
One arm at the elbow.....	198 weeks
One arm between wrist and elbow.....	176 weeks
One hand	165 weeks
One thumb and the metacarpal bone thereof.....	66 weeks
One thumb at the proximal joint.....	33 weeks
One thumb at the second distal joint.....	22 weeks
One first finger and the metacarpal bone thereof.....	33 weeks
One first finger at the proximal joint.....	22 weeks
One first finger at the second joint.....	17 weeks
One first finger at the distal joint.....	11 weeks
One second finger and the metacarpal bone thereof.....	33 weeks

One second finger at the proximal joint.....	17 weeks
One second finger at the second joint.....	11 weeks
One second finger at the distal joint.....	6 weeks
One third finger and the metacarpal bone thereof.....	22 weeks
One third finger at the proximal joint.....	14 weeks
One third finger at the second joint.....	9 weeks
One third finger at the distal joint.....	5 weeks
One fourth finger and the metacarpal bone thereof.....	14 weeks
One fourth finger at the proximal joint.....	10 weeks
One fourth finger at the second joint.....	7 weeks
One fourth finger at the distal joint.....	4 weeks
One leg at or so near the hip joint as to preclude the use of an artificial limb.....	198 weeks
One leg at or above the knee where stump remains suffi- cient to permit the use of an artificial limb.....	165 weeks
One leg between the knee and ankle.....	154 weeks
One foot at the ankle.....	138 weeks
One great toe with the metatarsal bone thereof.....	33 weeks
One great toe at the proximal joint.....	17 weeks
One great toe at the second joint.....	11 weeks
One toe other than the great toe with the metatarsal bone thereof	14 weeks
One toe other than the great toe at proximal joint.....	7 weeks
One toe other than the great toe at second or distal joint....	4 weeks
One eye blind by enucleation.....	132 weeks
Total blindness of one eye.....	110 weeks

The loss of both hands or both arms, or both feet, or both legs, or both eyes, or any two thereof, in the absence of conclusive proof to the contrary shall constitute total disability permanent in character.

(j) A workman in order to be entitled to compensation for hernia must clearly prove: (1) That the hernia is of recent origin, (2) that its appearance was accompanied by pain, (3) that it was immediately preceded by some accidental strain suffered in the course of the employment, and (4) that it did not exist prior to the date of the alleged injury. If a workman, after establishing his right to compensation for hernia as above provided, elects to be operated upon, a special operating fee of not to exceed fifty dollars shall be paid by the employer, the insurer, or the board, as the case may be. In case such workman elects not to be operated upon, and the hernia becomes strangulated in the future, the results from such strangulation will not be compensated.

(k) For the purpose of section 16 (i) the complete paralysis of an arm, hand, foot, or leg shall be considered the loss of such member. For the purpose of section 16 (i) the complete paralysis of both arms, both hands, both feet, or both legs, or any two of them, shall be considered the loss of such members.

(l) Should a further accident occur to a workman who is already receiving compensation hereunder, or who has been previously the recipient of a payment or payments under this Article, his further compensation shall be adjusted according to the other provisions of this Article, and with regard to the combined effect of his injuries and his past receipt of compensation.

(m) If aggravation, diminution, or termination of disability takes place, or be discovered, after the rate of compensation shall have been established, or compensation terminated in any case where the maximum payments for disabilities as provided in this Article have not been

reached, such changes may be adjusted for future application of compensation in accordance with the provisions hereof, or, in a proper case, terminate the payments.

(n) All payments of compensation, as provided in this Article, shall be made semi-monthly, except as otherwise provided herein.

(o) The semi-monthly payments provided for in this Article may be converted, in whole, or in part, into a lump-sum payment, which lump-sum payment shall not exceed the estimated value of the present worth of the deferred payments capitalized at the rate of five per centum per annum. Such conversion can only be made upon the written application of the injured workman, his beneficiary, or major or minor dependents, as the case may be, and shall rest in the discretion of the board both as to the amount of such lump-sum payment and the advisability of such conversion.

Section 17. (a) No payments under this Article shall be assignable, subject to attachment or garnishment, or be held liable in any way for any debts.

(b) In case of bankruptcy, insolvency, liquidation, or the failure of an employer or insurer to meet any obligations imposed by this Article, every liability which may be due under this Article shall constitute a first lien upon any deposit made by such employer or insurer, and if such deposit shall not be sufficient to secure the payment of such liability in the manner, and at the times provided for in this Article, the deficiency shall be a lien upon all the property of such employer or insurer within this State, and shall be prorated with other lienable claims, and shall have preference over the claim of any creditor or creditors of such employer or insurer except the claims of other lienors.

(c) No agreement by an employee to waive any rights under this Article for an injury to be received shall be valid.

(d) Any employer who shall misrepresent to the board the amount of a pay roll upon which the premiums or assessments under compensation plan number three are to be levied, or upon which fees for factory inspection, subsequent inspection or reinspection, as elsewhere provided in this Article, are based, shall be liable to the State in ten times the amount of difference between the amount paid and the amount which should have been paid. Such liability may be recovered in a civil action brought in the name of the State. All sums collected under this section shall be paid into the fund to which the original payments were or should have been credited.

(e) The provisions of this Article shall not apply to any railroad engaged in interstate commerce, except that railroad construction work shall be included in and subject to the provisions of this Article.

(f) Every employer coming under the provisions of compensation plan number one and every insurer coming under the provisions of compensation plan number two shall, on or before the fifteenth day of each and every month, file with the industrial accident board duplicate receipts for all payments made during the previous month to injured workmen or their beneficiaries or dependents, and statements showing the amounts expended during the previous month for medical, surgical, and hospital services and for the burial of injured workmen.

(g) No claims to recover compensation under this Article for injuries not resulting in death shall be maintained unless, within sixty days after the occurrence of the accident which is claimed to have caused the injury, notice in writing, stating the name and address of the person

injured, the time and the place where the accident occurred, and the nature of the injury, and signed by the person injured, or some one in his behalf, shall be served upon the employer or the insurer: Provided, however, That actual knowledge of such accident and injury on the part of such employer or his managing agent or superintendent in charge of the work upon which the injured employee was engaged at the time of the injury shall be equivalent to such service.

(h) Every employer of labor, and every insurer is hereby required to file with the board, under such rules and regulations as the board may from time to time make a full and complete report of every accident to an employee arising out of or in the course of his employment and resulting in loss of life or injury to such person. Such reports shall be furnished to the board in such form and such detail as the board shall from time to time prescribe, and shall make specific answer to all questions required by the board under its rules and regulations, except, in case he is unable to answer any such questions, a good and sufficient reason shall be given for such failure.

(i) No information furnished to the board by an employer or an insurer shall be open to public inspection, or made public except on order of the board, or by the board, or a member of the board in the course of a hearing or proceeding. Any officer or employee of the board who, in violation of the provisions of this section, divulges any information shall be guilty of a misdemeanor.

(j) Whenever it is necessary to estimate the sum of money to set aside as a reserve in any case, the American Experience Table of Mortality shall be used.

(k) It shall be unlawful for the employer to deduct or obtain any part of any premium required to be paid by this Article from the wages or earnings of his workmen, or any of them, and the making or attempt to make any such deduction shall be a misdemeanor, except that nothing in this section shall be construed as prohibiting contributions to a hospital fund, as elsewhere in this Article provided.

Section 18. (a) All hearings and investigations before the board, or any member thereof, shall be governed by this Article, and by rules of practice and procedure to be adopted by the board, and in the conduct thereof neither the board, nor any member shall be bound by the technical rules of evidence. No informality in any proceedings or in the manner of taking testimony shall invalidate any order, decision, award, rule, or regulation made, approved, or confirmed by the board.

(b) The board, or any member thereof, or any party to the action or proceeding may, in any investigation or hearing before the board, cause the deposition of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions in civil actions in the Superior courts of this State, and to that end may compel the attendance of witnesses and the production of books, documents, papers, and accounts.

(c) The board is hereby vested with full power, authority, and jurisdiction to do and perform any and all things, whether herein specifically designated or in addition thereto, which are necessary or convenient in the exercise of any power, authority, or jurisdiction conferred upon it under this Article.

(d) The board and each member thereof shall have power to issue writs of summons, warrants of attachment, warrants of commitment, and all necessary process in proceedings for contempt in like

manner and to the same extent as courts of record. The process issued by the board, or any member thereof, shall extend to all parts of the State and may be served by any person authorized to serve process of courts of record, or by any person designated for that purpose by the board, or any member thereof.

The person executing any such process shall receive such compensation as may be allowed by the board, not to exceed the fees now prescribed by law for similar service and such fees shall be paid in the same manner as provided herein for fees of witnesses.

(e) The board and each member thereof, its secretary and referees, shall have the power to administer oaths, certify to all official acts, and to issue subpoenas for the attendance of witnesses, and the production of papers, books, accounts, documents, and testimony in any inquiry, investigation, hearing, or proceeding in any part of the state. Each witness who shall appear by order of the board, or any member thereof, shall be entitled to receive, if demanded, for his attendance the same fees and mileage allowed by law to a witness in civil cases in the Superior court, which amount shall be paid by the party at whose request such witness is subpoenaed, unless otherwise ordered by the board. When any witness who has not been required to attend at the request of any party is subpoenaed by the board his fees and mileage may be paid from the funds appropriated for the use of the board in the same manner as other expenses of the board are paid. Any witness subpoenaed, except one whose fees and mileage may be paid from the funds of the board, may at the time of service demand the fee to which he is entitled for travel to and from the place at which he is required to appear, and one day's attendance. If such witness demands such fees at the time of service and they are not at that time paid or tendered, he shall not be required to attend before the board, or a member thereof, or referee, as directed in the subpoena.

(f) The Superior court in and for the county in which any inquiry, investigation, hearing, or proceeding may be held by the board, or any member thereof, shall have the power to compel the attendance of witnesses, the giving of testimony, and the production of papers, books, accounts, and documents as required by any subpoena issued by the board or any member thereof. The board, or any member thereof, before whom the testimony is to be given or produced, in case of the refusal of any witness to attend or testify or produce any papers required by such subpoena, may report to the Superior court in and for the county, in which the proceeding is pending, by petition, setting forth that due notice has been given of the time and place fixed for the attendance of said witness or the production of said papers, and that the witness has been summoned in the manner prescribed in this Article, and that the witness has failed and refused to attend, or produce the papers required by the subpoena before the board, or any member thereof, in the case or proceeding named in the notice and subpoena, or has refused to answer questions propounded to him in the course of such proceedings, and ask an order of said court compelling the witness to attend and testify or produce said papers before the board. The court, upon the petition of the board, or any member of the board, shall enter an order directing the witness to appear before the court at the time and place to be fixed by the court in such order not more than ten days from the date of the order, and then and there show cause why he had not attended or testified or produced such papers before the board. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by

the board, or a member thereof, and regularly served, the court shall thereupon enter an order that said witness appear at the time and place fixed in said order and testify or produce the required papers, and upon failure to obey said order, said witness shall be dealt with as for contempt of court. The remedy provided in this section is cumulative and shall not be construed to impair or interfere with the power of the board, or a member thereof, to enforce the attendance of witnesses and the production of papers and to punish for contempt in the same manner and to the same extent as courts of record.

(g) Copies of official documents and orders filed or deposited according to law in the office of the board, certified by a member of the board or by the secretary under the official seal of the board to be true copies of the original, shall be evidence in like manner as the originals.

(h) The costs and disbursements, incurred in any proceeding or hearing before the board, or a member thereof, may be apportioned between the parties on the same or adverse sides in the discretion of the board.

Section 19. The books, records, and pay rolls of the employer, pertinent to the administration of this Article, shall always be open to inspection by the board or any duly authorized employee thereof, for the purpose of ascertaining the correctness of the pay roll, the number of men employed, and such other information as may be necessary for the board and its management under this Article. Refusal on the part of the employer to submit said books, records and pay rolls for such inspection shall subject the offending employer to a penalty of one hundred dollars for each offense, to be collected by civil action in the name of the State, and paid into the State treasury.

Section 20. (a) All proceedings to determine disputes or controversies arising under this Article shall be instituted before the board and not elsewhere, and heard and determined by them, except as otherwise in this Article provided, and the board is hereby vested with full power, authority, and jurisdiction to try and finally determine all such matters, subject only to review in the manner and within the time in this Article provided.

(b) All orders, rules, and regulations, findings, decisions, and awards of the board in conformity with law shall be in force and shall be prima facie lawful; and all such orders, rules, and regulations, findings, decisions, and awards shall be conclusively presumed to be reasonable and lawful, until and unless they are modified or set aside by the board or upon review.

(c) After a final hearing by the board it shall, within thirty days, make and file its findings upon all facts involved in the controversy and its award, which shall state its determination as to the right of the parties.

(d) The board in its award may fix and determine the total amount of compensation to be paid and specify the manner of payment, or may fix and determine the weekly disability indemnity to be paid, and order payment thereof during the continuance of such disability: Providing, however, That the payment of such award and indemnity shall be in the same manner as that of undisputed awards and indemnities coming within the particular plan provided for in this Article to which said award and indemnity belong.

(e) If in any proceeding it is proved that an accident has happened for which the employer would be liable to pay compensation

if disability has resulted therefrom, but it is not proved that an incapacity has resulted, the board may, instead of dismissing the application, award a nominal disability indemnity if it appears that disability is likely to result at a future time.

(f) The board shall have continuing jurisdiction over all its orders, decisions, and awards, and may at any time, upon notice and after opportunity to be heard is given to the parties in interest, rescind, alter, or amend any such order, decision, or award made by it upon good cause appearing therefor. Any order, decision, or award rescinding, altering, or amending a prior order, decision, or award shall have the same effect as original orders or awards.

(g) A full and complete record shall be kept of all proceedings and hearings had before the board, or any member thereof, of any formal hearing had, and all testimony produced before the board, or any member thereof, shall be taken down by a stenographic reporter appointed by the board, and the parties shall be entitled to be heard in person or by attorney. In cases of an action to review any order or decision of the board, a transcript of such testimony, together with all exhibits, and of the pleadings, records and proceedings in the cause, shall constitute the record of the board.

(h) No orders or decisions of the board shall be subject to collateral attack, and may be reviewed or modified only in the manner provided herein.

Section 21. (a) At any time within twenty days after the service of any order or decision of the board any party or parties aggrieved thereby may apply for a rehearing upon one or more of the following grounds and upon no other grounds:

1. That the board acted without or in excess of its powers.
2. That the order, decision, or award was procured by fraud.
3. That the evidence does not justify the findings.
4. That the applicant has discovered new evidence, material to him, and which he could not, with reasonable diligence, have discovered and produced at the hearing.
5. That the findings do not support the order, decision or award.
6. That the order, decision, or award is unreasonable.

(b) Nothing contained in section 21 (a) shall, however, be construed to limit the right of the board, at any time, after the date of its award, and from time to time after due notice and upon the application of any party interested, to review, diminish, or increase within the limits provided by this Article any compensation awarded upon the grounds that the disability of the person in whose favor award was made has either increased or diminished or terminated.

(c) The application for rehearing shall set forth specifically, and in full detail the grounds upon which the applicant considers said order, decision, award, rule, or regulation to be unjust or unlawful, and shall in other respects conform to such rules and regulations as the board may prescribe.

(d) The board shall have full power and authority to make and prescribe rules to govern the procedure upon rehearing, and any matters before it and any order made after such rehearing abrogating or changing the original order and shall have the same force and effect as an original order and shall not affect any right, or enforcement of any right arising from or by virtue of the original order.

(e) An application for rehearing or the appeal hereinafter provided shall not excuse any employer, employee, or other person from

complying with or obeying any order or requirement of the board or operate in any manner to stay or postpone the enforcement of an order or requirement thereof, except as the board or the court may direct.

Section 22. (a) Within thirty days after the application for a rehearing is denied, or, if the application is granted, within thirty days after the rendition of the decision on the rehearing, and within twenty days after notice thereof, any party affected thereby may appeal to the Superior court of the County in the State of Arizona, wherein the employer may have his place of residence, or if such employer be a corporation may have its principal office or place of business, or if said appeal be prosecuted by an injured workman or his dependents, such appeal may be taken to the Superior court of the county within which such workman was injured, which said appeal shall be for the purpose of having the lawfulness of the original order, decision, or award, or the order, decision, or award on rehearing inquired into and determined.

(b) Said appeal shall be taken by serving a written notice of said appeal upon the chairman of such industrial accident board, or upon any other member thereof, which said service shall be made by the delivery of a copy of such notice to such chairman or member, and filing the original with the clerk of the court to which said appeal is taken. A copy of such notice must also be served upon the adversary party, if there be any, by mailing the same to said adversary party to such address of such party as said party shall have left with the board. If such party shall have left no address with the board, then no service upon such party shall be required. The order of filing and service of said notice is immaterial. Immediately upon service upon said board of said notice the said board shall certify to said Superior Court the entire record and proceedings, including all testimony and evidence taken by said board, with the clerk of said Superior Court.

Immediately upon the return of such certified record the Superior Court shall fix a day for the hearing of said cause, and shall cause notice to be served upon the board, and upon the appellant, and also upon the adversary party, if there be any. The court may, upon the hearing, for good cause shown, permit additional evidence to be introduced, but in the absence of such permission from the court the cause shall be heard on the record of the board as certified to the court by it. The trial of the matter shall be de novo, and upon such trial the court shall determine whether or not the board regularly pursued its authority, and whether or not the findings of the board ought to be sustained, and whether or not such findings are reasonable under all the circumstances of the case.

(c) The board and each party to the action or proceeding before the board shall have the right to appear in the proceeding, and it shall be the duty of the board to so appear. If the court shall find from such trial as aforesaid that the findings and conclusions of the board are not in accordance with either the facts or the law, or that they ought to be other or different than those made by the board, or that any finding and conclusion or any order, rule, or requirement of the board is unreasonable, the court shall set aside such finding, conclusion, order, judgment, decree, rule, or requirement of said board, or shall modify or change the same as law and justice shall require, and the court shall also make and enter any finding, conclusion, order, or judgment that shall be required or shall be legal and proper in the premises.

(d) Either the board or the appellant or any adversary party, if there be one, may appeal to the Supreme Court of the State of Arizona from any final order, judgment, or decree of the said Superior court,

which said appeal shall be taken in like manner as appeals are now taken in other civil actions to the said Supreme Court, and upon such appeal the said Supreme Court shall make such orders in reference to a stay of proceedings as it finds to be just in the premises, and may stay the operation of any order, judgment, or decree of said Superior Court without requiring any bond or undertaking from the applicant for such stay. When any such cause is so appealed it shall have precedence upon the calendar of the said Supreme Court, and shall be tried anew by said Supreme Court, upon the record made in said Superior Court and before said board, and judgment and decree shall be entered therein as expeditiously as possible.

Section 23. (a) The Legislature of the State of Arizona shall from time to time appropriate such sums as may be necessary to pay the salaries, traveling and office expenses of the board and all other expenses incident to the administration of this Article and to the carrying out of its provisions, and the State Auditor shall, on the orders or orders of the Industrial Accident Board, draw warrants on the general fund for the sums so appropriated which warrants shall be paid by the State Treasurer out of the general fund, and until and unless the Legislature makes appropriation or appropriations as above provided the Auditor shall, on orders issued by the Industrial Accident Board, draw warrants on the general fund for all sums which the said board may deem necessary to carry out the provisions of this Article and to put and keep it in full force and effect, which warrants shall be paid by the State Treasurer out of the general fund.

(b) There is hereby appropriated out of the industrial accident fund such sums as may be necessary to pay the compensation provided for in this Article.

Section 24. (a) Whenever this Article, or any part or section thereof, is interpreted by a Court, it shall be liberally construed by such Court.

(b) If any section, subsection, subdivision, sentence, clause, paragraph, or phrase of this Article is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of this Article, so long as sufficient remains of the Article to render the same operative and reasonably effective for carrying out the main purpose and intention thereof.

(c) The moneys coming into the industrial accident fund shall be held in trust for the purpose for which such fund is created, and if this Article shall be hereafter abrogated, such moneys shall be subject to such disposition as may be provided therefor by law.

(d) This Article shall not effect any action pending or any cause of action existing on the thirty-first day of December, 1916.

Section 25. (a) The board shall, not later than the first day of April of each year, make a report to the governor covering its entire operations and proceedings for the preceding calendar year, with such suggestions or recommendations as it may deem of value for public information. A reasonable number of copies of such report shall be printed for general distribution.

PART II.

COMPENSATION PLAN NUMBER ONE.

Section 30. (a) Any employer in the industries, trades, works, occupations, or employments in this Article specified as hazardous, by filing his election to become subject to and be bound by compensation plan number one, upon furnishing satisfactory proof to the board of

his solvency and financial ability to pay the compensation and benefits in this Article provided for, and to discharge all liabilities which are reasonably likely to be incurred by him during the calendar year for which such election is effective, may, by order of the said board, make such payments directly to his employees as they may become entitled to receive the same under the terms and conditions of this Article.

(b) Every such employer now or hereafter engaged in the State of Arizona in the industries, trades, works, occupations, or employments heren mentioned, and who shall have elected to be bound by such compensation plan number one, shall file such proof of his solvency within the time and in such form as may be prescribed by the rules or orders of the board.

If such employer making such election shall be found by the board to have the requisite financial ability to pay the compensation and benefits in this Article provided for, then the board shall grant to such employer permission to carry on his said business for the calendar year within which such election is made and such proof filed, or the remaining portion of such calendar year, and to make such payments directly to his employees as they may become entitled to receive the same. Every employer, so long as he continues in his said employment, and so long as he continues to be bound by such compensation plan number one, shall, at least thirty days before the expiration of each calendar year, renew his application to be permitted to continue to make such payments as aforesaid directly to his employees for the next ensuing calendar year and under like circumstances as those mentioned for the granting of such permission upon such first application, the board may renew the same from year to year.

(c) The board may at any time require from any employer acting under compensation plan number one additional proof of solvency and financial ability to pay the compensation provided by this Article, and may at any time, upon notice to such employer of not less than ten or more than twenty days, after and upon a full hearing, revoke any order or approval theretofore made.

(d) If said Industrial Accident Board shall find that such employer has not financial responsibility for the payment of the compensation herein provided to be paid which might reasonably be expected to be chargeable to such employer during the calendar year to be covered by such permission, said Industrial Accident Board must so find, and must require such employer, before granting to him such permission, or before continuing or engaging in such employment, subject to the provisions of compensation plan number one, to give security for such payment, which security must be in such an amount as said board shall find it reasonable and necessary to meet all liabilities of such employer which may reasonably and ordinarily be expected to accrue during such calendar year. Said security must be deposited with the treasurer of the board and may be a certain estimated per centum of said employer's last preceding annual pay roll, or a certain per centum of the established amount of his annual pay roll for said calendar year, or such security may be in the form of a bond or undertaking executed to said industrial accident board in the amount to be fixed by it with two or more sufficient sureties, which undertaking must be conditioned that such employer will well and truly pay, or cause to be paid, all such sums and amounts for which the employer shall become liable under the terms of this Article to his employees during said calendar year, or such security may consist of any State, county, municipal, or school district bonds, or the bonds or evidence of indebtedness of any individuals or

corporations which the board may deem solvent; and every such deposit and the character and amount of such securities shall at all times be subject to approval, revision, or change by the board as in its judgment may be required, and upon proof of the final payment of the liability for which such securities are given, such securities, or any remaining part thereof, shall be returned to the depositor. The treasurer of the board and his bondsmen shall be liable for the value and safe-keeping of all such deposits or securities, and shall at any time upon demand of the bondsmen or the depositor of the board account for the same and the earnings thereof.

(e) Upon the failure of said employer to pay any compensation provided for in this Article upon the terms and in the amounts and at the times when the same shall become due and payable, it shall be the duty of such Industrial Accident Board, upon demand of the person to whom compensation is due, to apply any deposits made with the board to the payment of the same, and it shall be its duty to take the proper steps to convert any securities on deposit with the said board, or sufficient thereof, into cash and to pay the same upon the liabilities of said employer accruing under the terms of this Article, and it shall be its duty, in so far as the same shall be necessary, to collect and enforce the collection of the liability of all sureties upon any bonds which may be given by the said employer to insure the payment of his said liability. And to these ends and for these purposes the board shall be deemed to be the owner of said deposit and security and the obligee in said bond in trust for the said purposes and may proceed in its own name to recover upon such bonds or foreclose and liquidate said securities.

(f) Within thirty days after the happening of an accident where death or the nature of the injury renders the amount of future payments certain, or reasonably certain, the employer shall make a deposit or give security as herein defined with the treasurer of the board for the protection and guaranty of the payment of such liability in such sum as the board may direct: Provided, however, That if sufficient securities are already on deposit with the said board or if the said board shall have determined that the employer has sufficient financial responsibility to meet said liability of the said employer, together with other liabilities already accrued, no such additional deposit or security shall be demanded.

(g) Any employer against whom liability may exist for compensation under this Article may, with the approval of the board, be relieved therefrom by (1) depositing the present value or the estimated present value of the total unpaid compensation for which such liability exists, assuming interest at five per centum per annum, with the treasurer of the board; or (2) purchasing an annuity within the limitations provided by law in any insurance company granting annuities and authorized to transact business in this State, subject to the approval of the board.

PART III

COMPENSATION PLAN NUMBER TWO

Section 35. (a) Any employer in the industries, trades, works, occupations, or employments in this Article specified as hazardous, by filing his election to become subject to and bound by compensation plan number two, may insure his liability to pay the compensation and benefits herein provided for in any insurance company authorized to transact such business in this State.

(b) Any employer electing to become subject to and bound by compensation plan number two shall file with the board written ac-

ceptance of the provisions of compensation plan number two, together with a statement, upon forms provided by the board, of the nature of his employment, the character and location of his works, the number of men employed during the preceding year, or any part of the preceding year, and the probable number of men to be employed during the first calendar year to be covered by such election; and the board shall thereupon determine the amount of insurance which will be reasonably necessary to secure the compensation with which the said employer may reasonably be expected to become chargeable during such calendar year. And thereupon the said employer shall file the policy or policies of insurance herein provided for with the board, which policy or policies shall insure in the amounts so fixed by the board against any and all liability of the employer to pay the compensation and benefits provided for in this Article. The amount of such insurance shall be fixed by the board for each ensuing calendar year during which said employer shall engage in his said employment, and shall remain subject to the provisions of compensation plan number two, and for the purpose of fixing such amount of said insurance, the said board may make all reasonable and necessary investigation, and the said employer shall furnish to such board all information which it may require.

(c) All policies insuring the payment of compensation under this Article must contain a clause to the effect that as between the employee and the insurer the notice to or knowledge of the occurrence of the injury on the part of the insured shall be deemed notice or knowledge, as the case may be, on the part of the insurer; that jurisdiction of the insured for the purpose of this Article shall be jurisdiction of the insurer; and that the insurer shall in all things be bound by and subject to the awards, orders, judgments, or decrees rendered against such insured.

(d) No such policy shall be issued unless it contains the agreement of the insurer that it will promptly pay to the person entitled to compensation all the installments of compensation or other payments in this Article provided for, and that the obligation shall not be affected by any default of the insured after the injury, or by any default in the giving of any notice required by such policy or by this Article, or otherwise. Such agreement shall be construed to be a direct promise by the insurer to the person entitled to compensation.

(e) Every policy for the insurance of the compensation herein provided for or against liability therefor shall be deemed to be made subject to the provisions of this Article. No insurer shall enter into any such policy of insurance unless its form shall have been approved by the board and as otherwise provided by law.

(f) Every renewal of such policy shall be made and delivered to said board at least thirty days prior to the expiration of the expiring policy.

(g) Within thirty days of the happening of an accident where death or the nature of the injury renders the amount of future payments certain or reasonably certain, the insurer shall make a deposit as herein defined with the treasurer of the board for the protection and guaranty of the payment of such liability in such sum as the board may direct.

(h) Any insurer against whom liability may exist for compensation under this Article may, with the approval of the board, be relieved therefrom by (1) depositing the present value or the estimated present value of the total unpaid compensation for which such liability exists,

assuming interest at five per centum per annum, with the treasurer of the board; or (2) by purchasing an annuity within the limitations provided by law in any insurance company granting annuities and authorized to transact business in this State, subject to the approval of the board.

(i) No policy of insurance issued under the provisions of compensation plan number two shall be cancelled within the time limited for its expiration, except upon thirty days' notice to the employer in favor of whom such policy is issued, and to the board, unless such policy sought to be cancelled shall have been sooner replaced by other insurance.

(j) Every insurance company transacting business under this Article shall, at the time and in the manner prescribed by the board, make and file with the board such reports of accidents as the board may require.

(k) Every policy or contract insuring against liability for compensation under compensation plan number two must contain a clause to the effect that the insurer shall be directly and primarily liable to and will pay directly to the employee, or in case of death, to his beneficiaries or major or minor dependents, the compensation, if any, for which the employer is liable. Every such policy shall at all times be subject to the approval, change, or revision by the board, and shall contain the clauses, agreements, and promises required by this Article.

(l) Any deposit made under the provisions of compensation plan number two shall be held in trust by the treasurer of the board as security for the payment of the liability for which the deposit was made. Such deposit may be reduced from time to time with the permission of the board, as the payment of the liability of the insurer may reduce the amount required to be on deposit. Such deposit may be changed or renewed when desired by the depositor by withdrawing the same, or any part thereof, and substituting other deposits therefor; upon proof of the final payment of the liability for which such deposit was made any deposit remaining shall be returned to the depositor. All earnings made by such deposit shall be first applied upon any liability of the depositors, and if no such liability exists then such earnings shall upon demand be delivered to such depositor. The treasurer of the board and his bondsmen shall be liable for the value and safe-keeping of such deposit, and shall at any time upon demand of his bondsmen, the depositor, or the board account for the same and the earnings thereof.

PART IV

COMPENSATION PLAN NUMBER THREE

Section 40.(a) Every employer, subject to the provisions of compensation plan number three, shall, in the manner and at the times herein specified, pay into the State treasury, in accordance with the following schedule, a sum equal to the percentage of his total annual pay roll specified in this section, which said schedule is subdivided into classes, and the percentage of payments of premiums or assessments to be required from each of said classes is as follows:

Class one—Broom or brush manufacturing, without saw mill; theatre stage employees; moving picture operators; electrotyping; engraving; lithographing; photo-engraving; stereotyping; embossing; bookbinding; printing; jewelry manufacturing; not otherwise specified; sixty-five one-hundredths of one per centum.

Class two—Cloth, textile, and wool manufacturing, not otherwise

specified; wharf employees, other than stevedores and longshoremen; eight-tenths of one per centum.

Class three.—Manufacturing alcohol, drugs, other than ammonia; candy, crackers, saddles, harness, leather novelties, mattresses, not including spring or wire, paint, varnish, wagons, buggies, carriage, sleighs, cutters; operation of tugs and steamboats; manufacturing roofing paper and articles of paper not otherwise specified, paper boxes; automobiles, motor trucks, hardware; working in rubber, not otherwise specified; manufacturing boots and shoes; manufacturing articles of and working in leather not otherwise specified; one and three-tenths per centum.

Class four.—Manufacturing cheese, condensed milk; operating creameries, manufacturing spices and condiments; paper hanging; kalsomining; whitewashing; making willow baskets; setting tiles, mantels and marble works, inside work only; making grease, lard, soap, tallow; inside plumbing work; installing heating systems; painting and decorating, inside work only; metal ceiling work; one and four-tenths per centum.

Class five.—Manufacturing glass, operating breweries, bottling works, grain warehouses, grain elevators; manufacturing articles of brass, copper, lead and zinc; operating machine shops, not otherwise specified; lathing, plastering; canneries of meat, fruit, vegetables, or fish, not including can manufacturing; cutting stone or paving blocks, other than in quarries, with or without machinery; installing electrical apparatus inside; installing fire alarm apparatus inside; covering boilers or steam pipes; concrete laying in floors, street paving, or sidewalks, not otherwise specified; laying asphalt and other paving not otherwise specified; including shop and yard; manufacturing canoes and rowboats; well drilling; constructing and repairing of paving of bricks or blocks; one and five-tenths per centum.

Class six.—Operating of laundries with power, dyeing, bleaching, and cleaning works; manufacturing of furniture, show cases, office and store furniture and fixtures; cabinet-making; manufacture of wire mattresses, bed springs, wooden coffins, caskets, rough wooden boxes for coffins; building hothouses, working in foodstuffs, fruits, edible oils or vegetables, not otherwise classified; operating flour mills, chop mills, feed mills; one and six-tenths per centum.

Class seven.—Manufacturing wood fibre ware; installing automatic sprinklers or ventilating systems; setting glass; erecting fire-proof doors and shutters inside of buildings; operating tanneries, sugar factories; beveling glass; manufacturing peat fuel; building wooden stairs; manufacturing brick, including kilns and buildings and digging in pits, briquettes; brooms with sawmills, earthenware, fire clay, porcelain ware, pottery, tile, terra cotta; brush making with sawmills; one and eight-tenths per centum.

Class eight.—Manufacturing of ammonia; operating waterworks, gas works; grading, either of streets or otherwise, or road making, without blasting; construction of plank road, plank street, or plank sidewalk; operating creosoting works, pile treating works, treating ties or other timber products; plumbing, both at and away from the shop, including house connections, without blasting; construction of waterworks, gas works and coke ovens, including laying of mains and connections, without blasting; one and nine-tenths per centum.

Class nine.—Manufacturing artificial ice; operating refrigerator plants, cold-storage plants, foundaries, packing houses, including slaughtering; manufacturing agricultural implements, threshing ma-

chinery, traction engines, harvesting machinery; manufacturing asphalt; operating steam heating and power plants; manufacturing gas or gasoline engines; operating farries; stone crushing, not at quarries; boat or ship building, other than canoes or rowboats, without scaffolds; laying hot flooring composition, not otherwise specified; operating stockyards; two per centum.

Class ten.—Operating paper mills, pulp mills; longshoring; stevedoring; manufacturing fertilizers; operating garbage works; incinerators, crematories, lime kilns or burners, no quarrying; installing boilers, steam engines, dynamos, machinery, not otherwise specified; putting up belts for machinery; manufacturing barrels, kegs, pails, staves, tubs, excelsior, veneer, packing cases, sash, doors, and blinds; operation and maintenance of interurban railways without third rail; two and two-tenths per centum.

Class eleven.—Millwrighting, not otherwise specified; manufacturing building material, not otherwise specified; working in building material, not otherwise specified; two and one-quarter per centum.

Class twelve.—Operation of smelters; manufacturing of metallic coffins; manufacturing of iron or steel; boat or ship rigging; planing mills, independent; cement manufacturing; operating blast furnaces; two and three-tenths per centum.

Class thirteen.—Street or road making, with blasting; manufacturing wood baskets, kindling wood, window and door screens, cordage, and rope; manufacturing and refining oil; placing wires in conduits; two and four-tenths per centum.

Class fourteen.—Concentrating and amalgamating of ores; wood-working, not otherwise specified; operating gravel bunkers; hauling gravel; operating gravel pits; operating wood saws; painting, exterior work; operating boiler works; making steam shovels; boilers; ship-writing; operating sawmills, lath mills; bridgework factories; operation of and work in mines, other than coal; two and five-tenths per centum.

Class fifteen.—Operating rolling mills, manufacturing tanks, not otherwise specified; erecting and repairing advertising signs; harvesting and storing of ice, including loading on cars; making and repairing of locomotives and railroad cars; cutting stone at stoneyards connected with quarries; boat or ship building with scaffolds; logging operations, with or without machinery; booming or driving logs, ties, or other timber products; operating shingle mills; operating quarries; two and three-quarters per centum.

Class sixteen.—Operating dredges; construction of telephone and telegraph systems; construction of dams and reservoirs, electric light and power plants, waterworks, and water systems; installing furnaces; constructing blasting furnaces; sewer building, maximum depth of excavation at any point seven feet; operation and maintenance of steam railways, including logging railways; operating coal mines; three per centum.

Class seventeen.—Operating dry docks, including floating dry docks; ornamental metal work within buildings; electric railway construction, without rock work or blasting; railroad construction, including street and cable railways, without rock work or blasting; building canals, without rock work or blasting; installing freight or passenger elevators; operation of telephone and telegraph systems; making dredges; constructing dry docks; three and one quarter per centum.

Class eighteen.—Carpenters not otherwise specified; constructing grain elevators, not metal framed; stump pulling with donkey engines;

steam, electric, and cable railway construction, with rock work or blasting; construction of logging railways with rock work or blasting; operation and maintenance of electric railways using third rail, and street railways, all systems, including electric and cable; operation and maintenance of electric light and power plants, including transmission systems and extensions of lines; electric systems, not otherwise specified; three and one-half per centum.

Class nineteen.—Pile driving; clearing land with blasting; galvanized iron or tin works; marble works; fire-proofing of buildings, by means of wire netting and concreting; cellar excavation, with or without blasting; three and three-quarters per centum.

Class twenty.—Constructing breakwaters, marine railways, and jetties; installation and repair of electrical apparatus, not otherwise specified, outside work only; stamping of metal or tin; building trestles and tunnels other than mining; shaft sinking, not otherwise specified; four per centum.

Class twenty-one.—Moving safes, boilers, machinery; construction of tanks, water towers, windmills, not metal frame; plumbers making house connections with blasting; roof work; slate work; stonework; stone setting; brick work construction, not otherwise specified; construction of canals with rock work or blasting; bridge building, wooden; construction of floating docks; constructing chimneys of metal or concrete; four and one-half per centum.

Class twenty-two.—Excavations, not otherwise specified; laying of mains and connections, with blasting; sewer building, where maximum depth of excavation at any point exceeds seven feet; blasting, not otherwise specified; manufacturing fireworks; five per centum.

Class twenty-three.—Erecting fire escapes, fireproof doors and shutters outside of buildings; building concrete structures, not otherwise specified; concrete or cement work not otherwise specified; six per centum.

Class twenty-four.—Constructing iron or steel frame structures or parts; constructing and repairing steel frames and structures; subaqueous work; caisson works; six and one-half per centum.

Class twenty-five.—House moving, house wrecking; construction or repair of steeples; construction of brick chimneys; six and three-quarters per centum.

Class twenty-six.—Manufacturing powder, dynamite, and other explosives, not otherwise specified, ten per centum.

Class twenty-seven.—Any employer and his employees engaged in nonhazardous work or employment, by their joint election, filed with and approved by the board, may accept the provisions of compensation plan number three. In such event such employer and employees shall be known as class twenty-seven, the rate of assessment in which shall be one-half of one per centum.

(b) If a single establishment or work comprises several occupations listed in section 40 (a) in different classifications, the assessment shall be computed according to the pay roll of each occupation if clearly separable, otherwise an average rate of assessment shall be charged for the entire establishment, taking into consideration the number of employees and the relative hazards.

(c) The classification of hazardous occupations in section 40 (a) and the rates of premium or assessment therein fixed are advisory only, and the board is hereby given full power and authority to rearrange, revise, add to, take from, change, modify, increase, or decrease any classification or rate named in section 40 (a) as in its judgment or experience

may be necessary or expedient: Provided, That no change in the classification or rates prescribed in section 40 (a) shall be made effective prior to the end of the first calendar year, and thereafter any changes so made shall not become effective until thirty days after the date of the order or decision of the board making such change except that in case of new industries, or industries not enumerated in section 40 (a), the board shall have the right to make an immediate classification thereof and establish a rate therefor.

(d) It is the intent and purpose of compensation plan number three that each industry, trade, occupation, or employment coming under the provisions of said plan, shall be liable and pay for all injuries happening to employees coming under the provisions of said plan, and that all funds collected by assessments as herein provided shall be paid into one common fund to be known as the industrial accident fund, which fund shall be devoted exclusively to the payment of all valid claims for injuries happening in each industry, trade, occupation, or employment coming under the provisions of compensation plan number three; Provided, that accounts shall be kept with each industry, trade, occupation or employment in accordance with the foregoing classification or otherwise, as the board may direct, both as to receipts and disbursements, for the purpose of providing information and statistics necessary for determining any changes in such rates or classifications.

(e) There shall be collected from all classes as initial payments into the industrial accident fund, on or before the fifteenth day of January, 1917, one-fourth of the premium or assessment for that calendar year, and one-twelfth thereof at the first of each month beginning with the first day of April, 1917; after the year 1917 one-twelfth of the required percentage of the total annual payroll shall be paid at the beginning of each month: Provided, That if such fund shall have a sufficient balance on hand at the end of the first three months, or any month thereafter, to meet the requirements of the industrial accident fund, no assessment shall be called for such month.

(f) The first payment shall be collected upon the pay roll of the months of October, November and December, 1916. At the end of each calendar year an adjustment of the account shall be made upon the basis of the actual pay roll. Any shortage shall be made good within thirty days thereafter. Every employer who shall enter into business at any intermediate day shall make his payments in the same manner and upon the same basis before commencing operations; the amount of such payments shall be calculated upon his estimated pay roll, and an adjustment shall be made on or before February first in the year following, in the manner above provided.

(g) Any employer who is in default in the observance of any order of the board, issued pursuant to the provisions of sections 40 (a) to 40 (f), inclusive, shall, in addition to any other penalty provided by this Article, be charged an advance of twenty-five per centum over the established rate, and such advanced rate shall continue and be in force until such employer shall have ceased to be in such default.

(h) Any change in classification of risks or premium rates, or any change caused by change in the class of work, occurring during the calendar year, shall be equalized by the board within thirty days after the end of such year in proportion to its duration in accordance with the schedules provided in this Article.

(i) If at the end of any year it shall be seen that the contribution to the industrial accident fund by any class of industry shall be less than the drain upon such fund on account of that class, the defi-

ciency shall be made good to the fund on the first day of February of the following year by the employers of that class in proportion to their respective payments for the previous year.

(j) Upon the happening of an accident where death or the nature of the injury renders the amounts of future payments certain or reasonably certain, the board shall forthwith cause the treasurer of the board to set apart out of the industrial accident fund a sum of money, to be calculated on the basis of the maximum sum required to pay the compensation accruing on account of such injury, which will meet such required payments, not exceeding, however, the sum of four thousand dollars for any one case.

(k) The treasurer of the board shall invest such reserve in bonds of the United States, bonds of the State of Arizona, or bonds of any county, city, or school district in the State of Arizona, or any other security which may be approved by said board, and out of the same and its earnings shall be paid the monthly installments and any lump sum then or thereafter arranged for the case. Any deficiency shall be made good out of and any balance or overplus shall revert to the industrial accident fund.

(l) The treasurer of the board shall keep an accurate account of all such segregations of the industrial accident fund, and upon direction of the board shall divert from the main fund any sums necessary to meet monthly payments, pending the conversion into cash of any security, and in such case shall repay the same out of the cash realized from the security.

(m) If any employer shall default in any payment to the industrial accident fund, the sum due may be collected by an action at law in the name of the State, and such right of action shall be cumulative.

(n) For any injury happening to any of his workmen during default in any payment to the industrial accident fund, the defaulting employer as to such injury shall be considered as having elected not to come under the provisions of this Article, except that he shall be and remain liable to pay to the industrial accident fund the amount of such default, together with the penalty prescribed by section 40 (g).

(o) The person entitled to sue under the provisions of section 40 (n) shall have the option of proceeding by suit or taking under this Article. If such person take under this Article, the cause of action against the employer shall be assigned to the State for the benefit of the industrial accident fund. If such person shall elect to proceed against the defaulting employer, such election shall constitute a waiver of any right to compensation under the provisions of this Article.

(p) Any cause of action assigned to the State under the preceding section may be prosecuted or compromised by the board in its discretion.

(q) Where a workman is entitled to compensation under compensation plan number three, he shall file with the board his application therefor, together with the certificate of the physician who attended him, and it shall be the duty of such physician to lend all necessary assistance in making application for compensation and such proof of other matters as may be required by the rules of the board without charge to the workman.

(r) For a proper compliance with the provisions of the preceding section the physician, after approval by the board, shall be paid out of the industrial administration fund one and one-half dollars for each case.

(s) Where death results from the injury, the parties entitled to compensation under compensation plan number three, or some one in their behalf, shall make application for the same to the board. The application must be accompanied with proof of death and proof of relationship, showing the parties entitled to compensation, certificate of the attending physician, if any, and such other proof as may be required by the rules of the board.

(t) In computing the pay roll the entire compensation received by every workman employed in the hazardous occupations enumerated in this Article shall be included, whether it be in the form of salary, wage, piecework, overtime, or any allowance in the way of profit-sharing premium or otherwise, and whether payable in money, board, or otherwise.

(u) Disbursements out of the industrial accident fund shall be made by the treasurer of the board as the board may order. If at any time there shall not be sufficient money in the accident fund with which to pay any warrants drawn thereon, the employer, on account of whose workmen the warrant was drawn, shall pay the same, and upon his next contribution to such fund he shall be credited with the amount so paid with interest thereon at the rate of six per centum per annum from the date of such payment to the date upon which the next assessment becomes payable, and if the amount of the credit exceeds the amount of such assessment, he shall have a warrant upon such fund for the excess, and if said warrant be not paid for want of funds, it shall be credited and be applied upon succeeding assessments.

(v) All earnings made by the industrial accident fund by reason of interest paid for the deposit thereof, or otherwise, shall be credited to and become a part of said fund, and the making of profit, either directly or indirectly, by the treasurer of the board, or any other person, out of the use of the accident fund shall constitute a felony, and on conviction thereof shall subject the person making such profit to imprisonment in the State penitentiary for a term not exceeding two years, or a fine not exceeding five thousand dollars, or both such fine and imprisonment, and the treasurer of the board shall be liable upon his official bond for all profits realized for any unlawful use of the said fund.

PART V

SAFETY PROVISIONS

Section 50. (a) No employer shall construct, maintain, or operate, or cause to be constructed, maintained, or operated any place of employment that is not safe.

(b) No employee shall remove, displace, damage, destroy, or carry off any safety device or safeguard furnished and provided for use in any employment or place of employment, or interfere in any way with the use thereof by any other person, or interfere with the use of any method or process adopted for the protection of any employee in such employment or place of employment, or fail or neglect to do anything reasonably necessary to protect the life and safety of himself and other employees.

(c) The board is vested with full power and jurisdiction over and shall have such supervision of every employment and place of employment in this State as may be necessary adequately to enforce and administer all laws and all lawful orders requiring such employment and place of employment to be safe and requiring the protection of the life and safety of every employee in such employment or place of employment.

(d) The board shall have power, in addition to other powers herein granted, by general or special orders, rules, or regulations or otherwise:

1. To declare and prescribe what safety devices, safeguards, or other means or methods of protection as are well adapted to render employees and places of employment safe.

2. To fix such reasonable standards and to prescribe, modify, and enforce such reasonable orders for the adoption, installation, use, maintenance, and operation of safety devices, safeguards, and other means and methods of protection as may be necessary for the protection of the life and safety of employees.

3. To fix and order such reasonable standards for the construction, repair, and maintenance of places of employment as shall render them safe.

4. To require the performance of any act necessary for the protection of life and safety of employees.

5. To declare and prescribe the general form of industrial accident reports, the accidents to be reported and the information to be furnished in connection therewith, and the time within which such reports shall be filed. Nothing in this Article contained shall be construed to prevent the board from requiring supplemental accident reports: Provided, however, That where by the laws of the State of Arizona, the manner or method of carrying on any business, or the rules or regulations in relation thereto, or the character or kind of safety devices has been prescribed, no other or additional requirements shall be made by the board, but it shall be the duty of the board to see that the employer lives up to and obeys said laws.

(e) Upon the fixing of a time and place for the holding of a hearing for the purpose of considering and issuing a general safety order or orders, the board shall cause a notice of such hearing to be published in one or more daily newspapers of general circulation, published and circulated in the State. No defect or inaccuracy in such notice or in the publication thereof shall invalidate any general order issued by the board after a hearing has been had.

Section 51. (a) After January 1st, 1917, every place of employment of a work or occupation defined by sections 4(a), 4(b), 4(c), 4(d), 4(e), and 5 of this Article to be hazardous shall be inspected at least once during each year by an inspector or examiner appointed by the board. Such inspection shall be for the purpose of determining the condition and operation of such places of employment as regards the safety of employees working therein, and the use of safeguards, safety appliances, and reasonably safe tools and appliances.

(b) A report of such inspection shall be filed in the office of the board, and a copy thereof given the employer.

(c) Each place of employment inspected as provided in section 51 (a) and found in a satisfactory condition shall receive from the board, upon payment of the inspection fees hereinafter provided for, a certificate to that effect, which certificate must be prominently displayed, under glass, in one of the principal places of the establishment so inspected.

(d) If after such inspection and report thereof to the board it shall be found that any such place of employment is not constructed, maintained, or operated as provided in this Article, the board shall order the installation, use, maintenance, and operation, within such reasonable time as the board may direct, of such safety devices, safe-

guards, and other means and methods of protection as may be necessary to reasonably insure the safety of the workmen employed therein, subject to the provisions of section 51 (e).

(e) If after such inspection the board or any inspector or examiner thereof shall find such place of employment in such an unsafe condition as to constitute an immediate menace to the safety of the workmen employed therein, the board, or any inspector or examiner thereof, may order any such place of employment closed, or the work therein to cease, until such safety devices, safeguards, and other means and methods or changes or removals as may be ordered by the board, or any inspector or examiner thereof, shall have been installed, repaired, changed, or removed, and such place of employment put in such condition as will reasonably insure the safety of the workmen therein.

Section 52. (a) For each annual inspection made under the provisions of this section the employer shall pay, at the time of such inspection, a fee of five cents for each one thousand dollars or fraction thereof of his annual pay roll for the preceding year: Provided, That no inspection fee under this section shall be less than five dollars.

(b) The fees for any subsequent or reinspection made during any year in which an annual inspection shall have been made shall be:

Where the annual pay roll for the preceding year shall have been not more than twenty-five thousand (\$25,000) dollars, five (\$5) dollars.

Where the annual pay roll for the preceding year shall have been more than twenty-five thousand (\$25,000) dollars but not more than one hundred thousand (\$100,000) dollars, ten (\$10) dollars.

Where the annual pay roll for the preceding year shall have been more than one hundred thousand (\$100,000) dollars but not more than five hundred thousand (\$500,000) dollars, twenty (\$20) dollars.

Where the annual pay roll for the preceding year shall have been more than five hundred thousand (\$500,000) dollars but not more than one million (\$1,000,000) dollars, forty (\$40) dollars.

Where the annual pay roll for the preceding year shall have been more than one million (\$1,000,000) dollars, fifty (\$50) dollars.

(c) All fees received by the board for inspection or for subsequent or reinspection, and all fines imposed or collected for a violation of the safety provisions of this Article shall be paid monthly to the State treasurer.

Section 53. (a) Whenever the board shall find that any employment or place of employment is not safe, or that the practice or means or methods of operation or processes employed or used in connection therewith are unsafe, or do not afford adequate protection to the life and safety of employees in such employments and places of employment, the board shall make and enter and serve such order relative thereto as may be necessary to render such employment or place of employment safe and protect the life and safety of employees in such employments and places of employment, and may in said order direct that such additions, repairs, improvements, or changes be made; and such safety devices and safeguards, be furnished, provided, and used as are reasonably required to render such employment or places of employment safe, in the manner and within the time specified in such order.

(b) The board may, upon application of any employer or other person affected thereby, grant such time as may reasonably be neces-

sary for compliance with any order, and any person affected by such order may petition the board for an extension of time, which the board shall grant if it finds such an extension of time necessary.

(c) Whenever the board shall learn or have reason to believe that any employment or place of employment is not safe or is injurious to the welfare of any employee it may summarily investigate the same, with or without notice or hearings, and enter and serve such order as may be necessary relative thereto.

(d) Every employer, employee, and other person shall obey and comply with each and every requirement of every order, decision, direction, rule, or regulation, made or prescribed by the board, and shall do everything necessary or proper in order to secure compliance with and observance of every such order, decision, rule or regulation.

(e) Nothing contained in this Article shall be construed to deprive any other public corporation, board, or department of any power or jurisdiction over or relative to any place of employment: Provided, That whenever the board shall by order fix a standard of safety for employments or places of employment such order shall, upon the filing by the board of a copy thereof with the secretary or clerk of any such public corporation to which or within whose jurisdiction it may apply, establish a minimum requirement concerning the matters covered by such order, and shall be construed in connection with any local order, relative to the same matter and to amend or modify any requirement in such local order not up to the standard of the order of the board.

(f) Every order of the board, general or special, its rules or regulations, findings or decisions, shall be admissible in evidence in any prosecution for, or suit to prevent, the violation of any of the provisions of this Article, and shall be presumed to be reasonable. This presumption is, however, a rebuttable presumption.

(g) The board may investigate the cause of all industrial accidents occurring in any employment or place of employment, or directly or indirectly arising from or connected therewith, resulting in personal injury or death; and the board shall have the power to make such orders or recommendations with respect to such accidents as may be just and reasonable: Provided, That neither the order nor the recommendation of the board, nor any accident report filed with the board, shall be admitted as evidence in any action for damages, or any proceeding to recover compensation, based on or arising out of such injury or death.

(h) If by reason of poor or careless management or otherwise any place of employment be unduly dangerous, in comparison with other like places of employment, and the employer operating the same shall not have complied with the safety provisions of this Article, and such employer shall be under compensation plan number three, the board, in addition to any other penalty provided by this Article, shall advance the rate upon such place of employment fifty per centum, and such advanced rate shall continue and be in force until such place of employment shall have ceased to be unduly dangerous in comparison with other like places of employment, and such employer shall have obtained a certificate of the inspector or examiner provided for herein.

Section 54. Every employer, employee, or other person who either individually or acting as an officer, agent, or employee of a corporation or other person violates any safety provisions contained in this Article, or any part of any such provision, or who shall fail or refuse to comply

with any such provision or any part thereof, or who directly or indirectly knowingly induces another so to do, is guilty of a misdemeanor.

Section 55. (a) Whenever in this Article the inspection of mines is referred to, such inspection shall be made by the State mine inspector or his deputy, and nothing in this Article contained shall be construed as modifying or limiting in any way the duties required to be performed by the State mine inspector as may be otherwise provided by law: Provided, however, That the State mine inspector shall collect and account for the fees herein prescribed for inspection or subsequent or reinspection.

No rule, regulation, or requirement relating to the operation of mines within the State of Arizona made by said board shall be lawful or valid unless the same shall be concurred in and approved by the State mine inspector, and shall have been within the power of the said State mine inspector to make in the first instance.

(b) A copy of any order, direction, or requirement of the State mine inspector shall be filed with the board and shall thereupon become and have all the force and effect of an order of the board, subject only to review by the Court as in this Article provided.

Section 56. Sections 4, 5, 6, 7, and 8 of Article XVIII of the Constitution of the State of Arizona, and Chapters VI and VII of Title XIV of the Revised Statutes of Arizona 1913, Civil Code, and any and all portions of the Constitution and laws of the State of Arizona in conflict with or inconsistent with this Article are hereby abrogated.

Filed July 6th, 1916.

SIDNEY P. OSBORN, Secretary of State.

ARGUMENT

(Affirmative)

Submitted by

W. P. MAHONEY,

Oatman, Arizona.

In favor of the measure designated on the official ballot as follows:

PROPOSED AMENDMENT TO THE CONSTITUTION.

PROPOSED BY INITIATIVE PETITION.

TO PROVIDE FOR THE PROTECTION AND SAFETY OF WORKMEN IN ALL PLACES OF EMPLOYMENT AND FOR THE INSPECTION AND REGULATION OF PLACES OF EMPLOYMENT IN ALL INHERENTLY HAZARDOUS WORKS AND OCCUPATIONS; PROVIDING A SCHEDULE OF COMPENSATION FOR INJURY TO OR DEATH OF WORKMEN AND METHODS OF PAYING THE SAME, AND PRESCRIBING THE LIABILITY OF EMPLOYERS WHO DO NOT ELECT TO PAY SUCH COMPENSATION; ESTABLISHING THE INDUSTRIAL ACCIDENT BOARD, DEFINING ITS POWERS AND DUTIES; PROVIDING FOR A REVIEW OF ITS AWARDS; AND ABROGATING ANY AND ALL LAWS AND CONSTITUTIONAL PROVISIONS IN CONFLICT HEREWITH.

If you favor the above law, vote YES; if opposed, vote NO.

110 Yes.

111 No.

ARGUMENT IN FAVOR OF PROPOSED AMENDMENT OF THE CONSTITUTION OF THE STATE OF ARIZONA.

To provide for the protection and safety of workmen in all places of employment and for the inspection and regulation of places of employment in all inherently hazardous works and occupations; providing a schedule of compensation for injury to or death of workmen and methods of paying the same, and prescribing the liability of employers who do not elect to pay such compensation; establishing the industrial accident board, defining its powers and duties; providing for a review of its awards; and abrogating any and all laws and Constitutional provisions in conflict therewith.

The above is a proposed amendment to the Arizona Constitution giving to Arizona a compensation law in every essential the same as the Compensation Law now in effect in the State of Montana. The law has, of course, been written so as to be applicable to Arizona. There is one material change from the Montana Law in the proposed Arizona amendment, and that is the payments of compensation provided in this Act are about ten per cent of an increase over the Montana Law. This was done so as to give Arizona workmen the advantage of the best compensation law which has been tried out by any mining state in the west.

The amendment provides three plans of compensation:

FIRST: The employer, if financially able, can assume the compensation risk himself and pay whatever compensation may become due under the law; the bills, of course, to be made under the direction of the Industrial Accident Board, which is created by the law.

SECOND: The employer can insure payments under the amendment by buying insurance in any responsible company authorized to do and guarantee insurance business by the Insurance Department of Arizona.

THIRD: A State fund will be created, and employers preferring to do so can contribute to this fund, from which compensation may be paid if the same becomes due under this Act to employees of those employers contributing to the State fund. All payments, however, are to be fixed by the Industrial Accident Board provided for in the Act.

All disputes under the Act must be instituted before the Board provided for in the Act to settle such disputes, and not elsewhere.

The Montana Law relating to workmen's compensation is, according to Arizona workmen who formerly worked in Montana, a good law and one of the best in the west. It is giving satisfaction to both employer and employee, and although the law was drawn in Montana by the Law and Legislative Committee of the workmen, the employers accepted the law without contest. Although the Montana schedules have been materially increased in the law proposed for Arizona, it is hoped that the Arizona employers will follow the lead of the mining companies in Montana.

One strong argument for the adoption of some compensation law will be to make possible prompt settlement of disputes between employer and employee over the question of compensation for injuries sustained and avoid the expensive and long-drawn-out Court trials in suits for damages.

W. P. MAHONEY.

PROPOSED AMENDMENT TO THE CONSTITUTION OF THE
STATE OF ARIZONA.

AN ACT TO AMEND ARTICLE IV, OF THE CONSTITUTION
OF THE STATE OF ARIZONA.

To be submitted to the qualified electors of the State of Arizona for
their approval or rejection at the

REGULAR GENERAL ELECTION
to be held

ON THE SEVENTH DAY OF NOVEMBER, 1916.

Proposed by Initiative petition of the people and filed in the office of
the Secretary of State, July 6, 1916, in accordance with the
provisions of Paragraph 3328, Chapter I, Title XXII,
Revised Statutes of Arizona, 1913,
Civil Code.

Printed in pursuance of Paragraph 3332, Chapter I, Title XXII,
Revised Statutes of Arizona, 1913, Civil Code.

SIDNEY P. OSBORN, Secretary of State.

The following is the form and number in which the question will
be printed on the official ballot:

PROPOSED AMENDMENT TO THE CONSTITUTION:
PROPOSED BY INITIATIVE PETITION.

AN ACT TO AMEND ARTICLE IV, OF THE CONSTITUTION
OF THE STATE OF ARIZONA, "Abolishing State Senate."

If you favor the above law, vote YES; if opposed, vote NO.

112 Yes.

113 No.

(On Official Ballots Nos. 112 and 113).

AN ACT

TO AMEND ARTICLE IV, OF THE CONSTITUTION OF THE
STATE OF ARIZONA.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

That Section 1 of Subdivision 1 of Article IV of the Constitution
of the State of Arizona is hereby amended to read as follows:

Section 1. The legislative authority of the State shall be vested
in a legislature consisting of a House of Representatives; but the people
reserve the power to propose laws and amendments to the Constitution,
and to enact or reject such laws and amendments at the polls inde-
pendent of the legislature, and they also reserve for use at their own
option, the power to approve or reject at the polls any act, or item,
section or part, of any act of the legislature."

That Section 1 of Subdivision 2 of Article IV of the Constitution
of the State of Arizona is hereby amended to read as follows:

"Section 1. (a) Until otherwise provided for by law, the
House of Representatives shall consist of thirty-five (35) members, and
shall be apportioned among the several counties as follows: Apache
County (1) one, Cochise County (7) seven, Coconino County (1) one,
Gila County (3) three, Graham County (2) two, Greenlee County (2)
two, Maricopa County (6) six, Mohave County (1) one, Navajo
County (1) one, Pima County (3) three, Pinal County (1) one,
Santa Cruz County (1) one, Yavapai County (4) four, Yuma County
(2) two.

(b) It is the intent and purpose of the people of the State of
Arizona, in the enactment of this amendment to abolish the State

Senate and to confer upon the remaining house all of the authority and jurisdiction heretofore conferred upon both houses by the Constitution without disturbing the remainder of the Constitution and in all cases where the State Senate has heretofore had conferred upon it any powers or the performance of any duties, all of such powers shall be exercised by, and all of such duties performed by the House of Representatives.

This Amendment shall be in effect on and after January the first, 1918. Filed July 6, 1916. SIDNEY P. OSBORN, Secretary of State.

ARGUMENT.

(Affirmative.)

Submitted by

STATE FEDERATION OF LABOR.

In favor of the measure designated on the official ballot as follows:

PROPOSED AMENDMENT TO THE CONSTITUTION.

PROPOSED BY INITIATIVE PETITION.

AN ACT TO AMEND ARTICLE IV, OF THE CONSTITUTION OF THE STATE OF ARIZONA, "Providing for the abolition of the State Senate."

If you favor the above law, vote YES; if opposed, vote NO.

112 Yes.

113 No.

ARGUMENT IN FAVOR OF THE ABOVE AMENDMENT

The strongest argument against a one house legislature is that the second house is a check on bad legislation because a bill must pass both bodies, yet the same impediment applies to good measures, and the necessity for it does not exist as the people through the referendum approve or disapprove legislation.

The two houses permit a legislator to fool his constituents by introducing measures promised them in his house, and killing them in the other; or, as in our last legislature, one house threatens to, and actually holds up needed legislation because the other declines to pass an abnoxious measure.

Measures opposed by special interests are easily defeated in the two house system, because it is only necessary to control one house, and there are two chances with that system to one with the other. The lobbyist attempts to defeat a measure in the committee, and failing there, concentrates his efforts on whichever house offers the best chance to block it. With one house the people are in touch with their representative and can recall him should he oppose the purpose for which he was elected.

A conference committee appointed by the presiding officers is now the real legislature and legislation is secured by trading. The House to pass its bills accepts Senate bills, and vice versa. The majority of bills pass in the closing days. The rest of the time allotted is spent in preliminaries, appointing committees, playing politics, and squabbling over points of factional advantage.

One house would be representative because the voter would elect fewer representatives and would know which one was responsible for any action. Responsible to a people armed with the recall, it will be solicitous of public approval, and will readily react to criticism, while in a two house system the individual member, is shielded from blame by being safely lost in the divided responsibility of the two chambers. In one house the individual would be conspicuous and his responsibility would be clearly appreciated by the people, making it more difficult for him to be corrupted. ARIZONA STATE FEDERATION OF LABOR,

B. T. WILKINSON, President.

AN ACT

RELATING TO THE ENFORCEMENT OF THE DEATH PENALTY AND AMENDING PARAGRAPH 173, CHAPTER I, TITLE VIII, PENAL CODE, OF THE REVISED STATUTES OF ARIZONA, 1913.

AN INITIATIVE MEASURE

To be submitted to the qualified electors of the State of Arizona, for their approval or rejection at the

REGULAR GENERAL ELECTION

to be held

ON THE SEVENTH DAY OF NOVEMBER, 1916.

By initiative petition of the people filed in the office of the Secretary of State, November 10, 1915, in accordance with the provisions of Paragraph 3328, Chapter 1, Title XXII, Revised Statutes of Arizona, 1913, Civil Code.

Printed in pursuance of Paragraph 3332, Chapter 1, Title XXII, Revised Statutes of Arizona, 1913, Civil Code.

SIDNEY P. OSBORN, Secretary of State.

The following is the form and number in which the question will be printed on the official ballot:

PROPOSED BY INITIATIVE PETITION OF THE PEOPLE.

AN ACT

RELATING TO THE ENFORCEMENT OF THE DEATH PENALTY AND AMENDING PARAGRAPH 173, CHAPTER I, TITLE VIII, PENAL CODE, OF THE REVISED STATUTES OF ARIZONA, 1913, "Abolishing Death Penalty."

If you favor the above law, vote YES; if opposed, vote NO.

300 Yes.

301 No.

(On Official Ballot, Nos. 300 and 301.)

AN ACT

RELATING TO THE ENFORCEMENT OF THE DEATH PENALTY AND AMENDING PARAGRAPH 173, CHAPTER I, TITLE VIII, PENAL CODE, OF THE REVISED STATUTES OF ARIZONA, 1913.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

Section 1. That Paragraph 173, Chapter I, Title VIII, Penal Code, of the Revised Statutes of Arizona, 1913, be and the same is hereby amended so as to read as follows:

"173. Every person guilty of murder in the first degree shall suffer imprisonment for life, and every person guilty of murder in the second degree shall be confined in the State Prison for not less than ten years. No person convicted of the crime of murder shall be recommended for pardon, commutation or parole by the Board of Pardons and Paroles, except upon newly discovered evidence establishing to the satisfaction of all the members of said Board his or her innocence of the crime for which conviction was secured."

Section 2. All acts and parts of acts in conflict with this Act are hereby repealed.

Filed November 10, 1915.

SIDNEY P. OSBORN, Secretary of State.

AN ACT

CREATING A DEPARTMENT OF LABOR; PRESCRIBING THE DUTIES, POWERS, QUALIFICATIONS AND COMPENSATION OF THE COMMISSIONER OF LABOR AND THE EMPLOYEES OF THE DEPARTMENT; PROVIDING FOR A BOARD OF ARBITRATION TO ACT IN CONJUNCTION WITH THE COMMISSIONER OF LABOR IN CERTAIN INSTANCES AND PRESCRIBING CERTAIN PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ACT, AND MAKING APPROPRIATIONS FOR THE CARRYING OUT OF THE PROVISIONS OF THIS ACT.

AN INITIATIVE MEASURE

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the

REGULAR GENERAL ELECTION
to be held

ON THE SEVENTH DAY OF NOVEMBER, 1916.

By initiative petition of the people filed in the office of the Secretary of State, July 6, 1916, in accordance with the provisions of Paragraph 3328, Chapter 1, Title XII, Revised Statutes of Arizona, 1913, Civil Code.

Printed in pursuance of Paragraph 3332, Chapter 1, Title XXII, Revised Statutes of Arizona, 1913, Civil Code.

SIDNEY P. OSBORN, Secretary of State.

The following is the form and number in which the question will be printed on the official ballot:

PROPOSED BY INITIATIVE PETITION OF THE PEOPLE.

AN ACT

CREATING A DEPARTMENT OF LABOR: PRESCRIBING THE DUTIES, POWERS, QUALIFICATIONS AND COMPENSATION OF THE COMMISSIONER OF LABOR AND THE EMPLOYEES OF THE DEPARTMENT: PROVIDING FOR A BOARD OF ARBITRATION TO ACT IN CONJUNCTION WITH THE COMMISSIONER OF LABOR IN CERTAIN INSTANCES AND PRESCRIBING CERTAIN PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THE ACT, AND MAKING APPROPRIATIONS FOR THE CARRYING OUT OF THE PROVISIONS OF THIS ACT.

If you favor the above law, vote YES; if opposed, vote NO.

302 Yes.

303 No.

(On Official Ballot, Nos. 302 and 303.)

AN ACT

CREATING A DEPARTMENT OF LABOR: PRESCRIBING THE DUTIES, POWERS, QUALIFICATIONS AND COMPENSATION OF THE COMMISSIONER OF LABOR AND THE EMPLOYEES OF THE DEPARTMENT: PROVIDING FOR A BOARD OF ARBITRATION TO ACT IN CONJUNCTION WITH THE COMMISSIONER OF LABOR IN CERTAIN INSTANCES AND PRESCRIBING CERTAIN PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ACT, AND MAKING APPROPRIATIONS FOR THE CARRYING OUT OF THE PROVISIONS OF THIS ACT.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

Section 1. That there is hereby established a Department of Labor, the head of which shall be a Commissioner of Labor who shall be appointed by the Governor, and who shall hold office until his successor shall have been elected at the next general election thereafter and qualify.

Sec. 2. The Commissioner of Labor so elected and all subsequent incumbents of said office shall be elected at general elections, shall serve for two years and until his successor is elected and shall qualify.

Sec. 3. The office of the Department of Labor shall be located at the State Capitol in a place to be provided by the Board of Control, or by such other authority as may be charged with providing offices for officers of the State.

Sec. 4. The Commissioner of Labor shall be a qualified elector of the State and a resident thereof at least five years prior to his appointment or election; he shall be not under twenty-one years of age, and shall have been practically engaged in some of the trades or industrial pursuits for a period of not less than five years preceding his appointment or election.

Sec. 5. The Commissioner of Labor shall receive as full compensation for his services a salary payable at the rate of Three Thousand Dollars (\$3,000.00) per year, which compensation shall be paid as the salary of other officers is paid; and the necessary traveling expenses incurred by the Commissioner of Labor or his deputies in the discharge of official duties shall be paid out of the general fund of the State.

Sec. 6. The Commissioner of Labor, before entering upon the discharge of his duties, shall file an official bond in the sum of Five Thousand Dollars (\$5,000.00), conditioned for the faithful performance of the duties of his office, in form and manner as other official bonds of State offices.

Sec. 7. The Commissioner of Labor shall appoint a deputy, who shall be a competent stenographer, and shall do and perform such duties as are prescribed by the Commissioner of Labor, and shall receive as full compensation for his services a salary payable at a rate of Eighteen Hundred Dollars (\$1800.00) per year, and who shall file a bond of Twenty-five Hundred Dollars (\$2500.00), conditioned the same as the bond of the Commissioner.

Sec. 8. All employees of the Department of Labor shall be under supervision of said Commissioner and shall hold office at the pleasure of the Commissioner of Labor.

Sec. 9. The Commissioner of Labor shall have a seal bearing the words: "Department of Labor, State of Arizona," and said seal shall be affixed to official documents only.

Sec. 10. The Commissioner of Labor shall collect, assort, systematize and publish annually, statistical details relating to all departments of labor and industrial endeavor in the State, including penal institutions, and particularly concerning the hours and wages of labor, estimated number of persons, male and female, depending on daily labor for their support, cost of living, the estimated number of persons, male and female, employed by the several industries within the State, number of unemployed, male and female, nativity and citizenship of such persons, the operation of labor-saving machinery, the productive industries of the State, the number and character of accidents to persons

engaged in the industries of the State and the several causes therefor, and by what safety devices or protection, if any, such accidents can be avoided; and to gather and report such other information relating to the industrial, social, educational, moral and sanitary conditions as may be available. The Commissioner of Labor shall systematize and keep on file all data and information obtained by him in the performance of his duties, and shall annually present to the Governor of the State a report of the work done by his department. Copies of such report shall be published and distributed at the expense of the State as a public document. Thirty days before the convening of each legislature in regular session the Commissioner of Labor shall transmit to each member-elect a copy of the two annual reports with such recommendations for legislation as he may deem beneficial to his department.

Sec. 11. The Commissioner of Labor and all appointees connected with the Department shall have full authority and power to enter at all hours, any factory, workshop, hotel, store, mine, smelter or other industry, and all places where labor is employed, in the discharge of the duties of his office. In the event of such entrance being denied the Commissioner or his appointees, he may immediately call upon the proper police power for assistance in the discharge of his duties.

Sec. 12. Any person who shall wilfully impede or obstruct the Commissioner of Labor in the full and free performance of his duties, or refuses to furnish such information to the Commissioner of Labor as may be by him desired, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed Two Hundred and Fifty Dollars (\$250.00) and by imprisonment in the County Jail for not less than thirty (30) days, nor more than six (6) months.

Sec. 13. The Commissioner of Labor shall have power to compel the attendance before him of all persons whenever in his opinion it is deemed necessary, and he may examine such persons as witnesses under oath, and for that purpose he is hereby authorized to administer an oath, in the performance of his duty; and he shall have power to compel the production of books and papers when deemed necessary by him.

Sec. 14. If the Commissioner shall learn of any violations of the law of the State with respect to employment of miners, the safety of employees, or the preservation of health, or in any other way affecting the employees, he shall have authority to act on his own initiative, and he shall at once give written notice of the fact to the county attorney of the county in which the law has been violated, and the county attorney to whom such notice has been given shall immediately institute the proper proceedings against the accused person or persons and in no case shall he divulge the source of his information as to such violations.

Sec. 15. It shall be the duty of all State, county and precinct officers to furnish upon the request of the Commissioner of Labor all the information in their possession to assist in carrying out the objects and purposes of this Act.

Sec. 16. In addition to the powers and duties with which the Commissioner of Labor is hereinbefore invested, he shall immediately make an investigation of all labor disputes and forthwith report his finding to the Governor; shall act as chief arbitrator in all strikes, lockouts, labor or industrial controversies, of whatsoever nature or kind arising within this State between an employer or employers and employees when said dispute or controversy shall be submitted to a board of arbitration as hereinafter provided for.

Sec. 17. Whenever a strike or lockout occurs or is seriously

threatened, the Commissioner of Labor shall proceed promptly to the locality thereof and endeavor by mediation to effect an amicable settlement of the controversy.

Sec. 18. For the purpose of examining into and settling such disputes and controversies, as there may arise from time to time, the Commissioner of Labor may associate with himself as a board of arbitration two other members, one of which, if the employees concerned are in good standing in a labor organization may be appointed by such organization and one by the employer, but the life of such board shall cease in each instance of its convocation upon the entering of its award or decision. The Commissioner of Labor shall be chairman of the board. Two members of such board shall constitute a quorum for the transaction of business.

Sec. 19. Any and all grievances, controversies or disputes between an employer and his employees may be submitted to the board for arbitration, as hereinbefore constituted for their determination and settlement. Such submission shall be in writing and contain a statement in detail of the grievance or dispute and the cause thereof, and also a written agreement to abide by the determination of the board, provided, however, that such agreement shall not be binding on either party to the controversy. Upon such submission the board shall examine the matter in controversy and all hearings of said board shall be open to the public. For the purpose of such inquiry the board may subpoena witnesses, compel their attendance, take and hear testimony, and call for and examine books, papers and documents of any party to the controversy. Subpoenas shall be issued by the chairman under the seal of the Department of Labor.

Sec. 20. Within fifteen days after the completion of every arbitration the board or a majority thereof shall render a decision stating such details as will clearly show the nature of the controversy, and the points disposed of by them, and make a written report of their findings of facts and of their recommendation to each party of the controversy. Every decision and report shall be filed in the offices of the Department of Labor and a copy thereof served upon each party to the controversy.

Sec. 21. The Commissioner of Labor shall incorporate in his annual report, hereinbefore authorized, a statement of the operation and of the results accomplished by these several boards as they may sit from time to time.

Sec. 22. There is hereby appropriated annually, a sum sufficient to carry out the provisions of this act, payable upon approval of the Commissioner of Labor out of any money in the general fund not otherwise appropriated, and the State Auditor is hereby authorized and directed to draw his warrants on the general fund and the State Treasurer is hereby authorized and directed to pay said warrants.

Sec. 23. All acts and parts of acts in conflict with the provisions of this Act are hereby repealed.

Filed July 6, 1916.

SIDNEY P. OSBORN, Secretary of State.

 ARGUMENT.

(Affirmative.)

Submitted by

ARIZONA STATE FEDERATION OF LABOR.

In favor of the measure designated on the official ballot as follows:

 PROPOSED BY INITIATIVE PETITION.

AN ACT

CREATING A DEPARTMENT OF LABOR, PRESCRIBING THE DUTIES, POWERS, QUALIFICATIONS AND COMPENSATION OF THE COMMISSIONER OF LABOR AND THE EMPLOYEES OF THE DEPARTMENT, PROVIDING FOR A BOARD OF ARBITRATION TO ACT IN CONJUNCTION WITH THE COMMISSIONER OF LABOR IN CERTAIN INSTANCES, AND PRESCRIBING CERTAIN PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ACT, AND MAKING APPROPRIATION FOR THE CARRYING OUT OF THE PROVISIONS OF THIS ACT.

If you favor the above law, vote YES; if opposed, vote NO.

 302 Yes.

 303 No.

ARGUMENT IN FAVOR OF THE DEPARTMENT OF LABOR.

Capital and labor in industry, together with business and public interests dependent thereon, or benefitted thereby, require authentic statistical information as a basis to guide and direct efforts to protect and promote square dealing and to establish peaceful and harmonious relations between employer and employed, the people and the State, and to hasten the securing of such beneficial results, Arizona needs a Department of Labor.

The proposed Department is charged with the duty of collecting, compiling, systematizing and publishing statistics, relating to mining, manufacturing, building, railroading, and other industries; the conditions under which labor is performed, the hours worked, wages paid, sanitation and safety provided; to provide for mediation and arbitration between employers and employees in disputes leading to strikes, lock-outs and public inconvenience; to see that laws are enforced against negligence and indifference which bring hardship, loss of health, accident or death to employees; to do other things tending to aid the State and the people to deal fairly with employing capital and employed labor, to establish more amicable and equitable relations in their dealings with each other and thus assure a closer and better co-operation of State and public interests.

Bureaus of Labor are recognized as valuable auxiliaries to government. This is evidenced by their establishment in all civilized countries, by the National Department, the Secretary of which is in the President's cabinet, and by the fact that in thirty-eight States and in Porto Rico, Hawaii, and in the Philippine Islands they are maintained and declared beneficial in their operation.

The mineral and agricultural wealth of Arizona are sure precursors of great industrial growth and activity and this State, guided by the experience of our National and other State governments should establish a Labor Department, providing in this way for the better protection and promotion of public interests as represented by fair play to those engaged in earning wages or interest upon investment in industrial enterprises. ARIZONA STATE FEDERATION OF LABOR,

B. T. WILKINSON, President.

AN ACT

TO ESTABLISH THE OFFICE OF STATE ARCHITECT AND SUPERINTENDENT OF BUILDING, PRESCRIBING HIS QUALIFICATIONS AND DUTIES, FIXING HIS COMPENSATION, PROVIDING FOR SUCH EMPLOYEES AS FROM TIME TO TIME SHALL BE NECESSARY, FIXING THE COMPENSATION AND MAKING THE APPROPRIATIONS.

AN INITIATIVE MEASURE

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the

REGULAR GENERAL ELECTION

to be held

ON THE SEVENTH DAY OF NOVEMBER, 1916.

By initiative petition of the people filed in the office of the Secretary of State, July 6, 1916, in accordance with the provisions of Paragraph 3328, Chapter I, Title XXII, Revised Statutes of Arizona, 1913, Civil Code.

Printed in pursuance of Paragraph 3332, Chapter I, Title XXII, Revised Statutes of Arizona, 1913, Civil Code.

SIDNEY P. OSBORN, Secretary of State.

The following is the form and number in which the question will be printed on the official ballot:

PROPOSED BY INITIATIVE PETITION OF THE PEOPLE.

AN ACT

TO ESTABLISH THE OFFICE OF STATE ARCHITECT AND SUPERINTENDENT OF BUILDING, PRESCRIBING HIS QUALIFICATIONS AND DUTIES, FIXING HIS COMPENSATION, PROVIDING FOR SUCH EMPLOYEES AS FROM TIME TO TIME SHALL BE NECESSARY, FIXING THE COMPENSATION AND MAKING THE APPROPRIATIONS.

If you favor the above law, vote YES; if opposed, vote NO.

304 Yes.

305 No.

(On Official Ballot, Nos. 304 and 305.)

AN ACT

TO ESTABLISH THE OFFICE OF STATE ARCHITECT AND SUPERINTENDENT OF BUILDING, PRESCRIBING HIS QUALIFICATIONS AND DUTIES, FIXING HIS COMPENSATION, PROVIDING FOR SUCH EMPLOYEES AS FROM TIME TO TIME SHALL BE NECESSARY, FIXING THE COMPENSATION AND MAKING THE APPROPRIATIONS.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

Section 1. The office of the State Architect and Superintendent of Building is hereby established. The office shall be maintained at the State Capitol, in a place to be provided by the Board of Control or by such other authority as may be charged with providing offices for officers of the State.

Sec. 2. There is hereby created the office of State Architect and Superintendent of Buildings. Said Architect shall have charge of the affairs of said office. He shall be appointed by the Governor and shall hold office for two years, and until his successor shall have been appointed and qualified. Said State Architect and Superintendent of

Buildings shall receive as full compensation for his services, a salary of Three Thousand Dollars (\$3,000.00) per year, to be paid as provided by law for the payment of salaries of other State offices, and necessary traveling expenses incurred by him in discharge of his duties.

Sec. 3. The State Architect and Superintendent of Buildings shall have a Secretary who shall be a competent bookkeeper and stenographer, to do and perform such duties as shall be required by law or by the State Architect and Superintendent of Buildings, and shall receive a salary of Fifteen Hundred Dollars (\$1500.00) per year. The State Architect and Superintendent of Buildings is given power to remove said Secretary or any other employees who may be from time to time under his jurisdiction.

Sec. 4. Before entering upon the discharge of the duties of his office, said State Architect and Superintendent of Buildings shall give a good and sufficient bond to the State of Arizona in the penal sum of Ten Thousand Dollars (\$10,000.00), conditioned for the faithful performance of the duties of his office, in form and manner as other official bonds of State officers.

Sec. 5. The State Architect and Superintendent of Buildings shall provide all plans and specifications for the erection of new buildings, or additions to buildings now owned and controlled by the State of Arizona, furnish fixed details of such building, buildings or additions as may be called for by law, or other constituted authority, together with the class and approximate estimate of the amount of material, probable cost of same and all other information called for, and shall furthermore have complete charge of the erection of all State buildings, additions or repairs to same, and for this purpose is hereby given power to employ foremen, mechanics and laborers, and assistant draftsmen, as the occasion may require, for the carrying on of such work, provided, however, the per diem paid to such foremen, mechanics and laborers shall be no less than the standard daily wage in the county or district wherein such buildings, additions or repairs are to be erected or made. All tools and material or whatsoever nature for the carrying on of all building, additions or repairs shall be furnished by the Board of Control, or whatever authority may hereafter have charge of furnishing supplies for State institutions, and for this purpose shall furnish said purchasing department with a bill of material in detail as to quantity, quality and kind, if needed, and such other details as he deems necessary for the economical carrying on of his office.

Sec. 6. The State Architect and Superintendent of Buildings shall have the following qualifications:

Shall be a skilled Architect, shall have been for at least three years next preceding his appointment, a resident of the State and for not less than five years actively engaged in a business of planning and erecting buildings, and additions of such character as would assure his being qualified for the planning and erecting of a kind that the State may need now or in the future.

Sec. 7. There is hereby appropriated from the State Treasury, annually, a sum sufficient to carry out the provisions of this act, payable upon approval of the State Architect and Superintendent of Buildings out of any money in the general fund not otherwise appropriated, and the State Auditor is hereby authorized and directed to draw his warrant from the general fund, and the State Treasurer is hereby authorized and directed to pay said warrant.

Sec. 8. All acts and parts of acts in conflict with this Act are hereby repealed.

Filed July 6, 1916. SIDNEY P. OSBORN, Secretary of State.

ARGUMENT.

(Affirmative.)

Submitted by

ARIZONA STATE FEDERATION OF LABOR.

In favor of the measure designated on the official ballot as follows:

PROPOSED BY INITIATIVE PETITION.

AN ACT

ESTABLISHING THE OFFICE OF STATE ARCHITECT AND SUPERINTENDENT OF BUILDING, PRESCRIBING HIS QUALIFICATIONS AND DUTIES; FIXING HIS COMPENSATION; PROVIDING FOR SUCH EMPLOYEES AS FROM TIME TO TIME SHALL BE NECESSARY, FIXING THE COMPENSATION AND MAKING APPROPRIATIONS.

If you favor the above law, vote YES; if opposed, vote NO.

304 Yes.

305 No.

ARGUMENT IN FAVOR OF ESTABLISHING THE OFFICE OF STATE ARCHITECT.

Arizona is young, growing State, and for a long period to come each passing year will see buildings of all kinds, repairs, alterations and extensions, added to the present group of State properties.

Whenever a building is now erected by the State its construction is placed in the hands of some commission, or officer, who in turn seeks the aid of an architect to prepare the plans and specifications. For this the architect receives a large remuneration based upon the estimated cost of the building. In addition either the architect or some contractor is employed at high rates to superintend the actual construction of the building, and the purchasing agent of the institution, or the designated officer, enters the market in search of only the amount of material needed for the one building in question.

With a State Architect, drawing a fixed compensation, all of this could be changed. Should the State erect one building or twelve, the compensation of the Architect would remain the same, and those of you who have built homes or are planning to do so, can from experience determine what this would mean to the taxpayers of the State. In addition the material needed would be purchased at one time, and the Architect would be the superintendent in charge of the construction, saving heavy charges.

It would insure uniformity in State buildings; abolish the present haphazard system of construction; avoid the selection of unsuitable materials; lower the cost of building, and substitute a definite plan of extension for the present wasteful and extravagant method of building only for immediate needs. It would also enable the Legislature to adopt a budget system for expenditures on present and future buildings, and in many other ways provide an economical method of construction.

ARIZONA STATE FEDERATION OF LABOR,
B. T. WILKINSON, President.

AN ACT

RELATING TO THE PRESERVATION OF FISH AND GAME
AND AMENDING PARAGRAPHS 654 AND 670, TITLE XVIII,
PENAL CODE OF THE REVISED STATUTES OF ARIZONA, 1913.

AN INITIATIVE MEASURE

To be submitted to the qualified electors of the State of Arizona for
their approval or rejection at the

REGULAR GENERAL ELECTION

to be held

ON THE SEVENTH DAY OF NOVEMBER, 1916.

By initiative petition of the people filed in the office of the Secretary
of State, July 6, 1916, in accordance with the provisions of
Paragraph 3328, Chapter I, Title XXII, Revised
Statutes of Arizona, 1913, Civil Code.

Printed in pursuance of Paragraph 3332, Chapter I, Title XXII,
Revised Statutes of Arizona, 1913, Civil Code.

SIDNEY P. OSBORN, Secretary of State.

The following is the form and number in which the question will
be printed on the official ballot:

PROPOSED BY INITIATIVE PETITION OF THE PEOPLE.

AN ACT

RELATING TO THE PRESERVATION OF FISH AND GAME
AND AMENDING PARAGRAPHS 654 AND 670, TITLE XVIII,
PENAL CODE OF THE REVISED STATUTES OF ARIZONA, 1913.

If you favor the above law, vote YES; if opposed, vote NO.

306 Yes.

307 No.

(On Official Ballot, Nos. 306 and 307.)

AN ACT

RELATING TO THE PRESERVATION OF FISH AND GAME AND AMENDING PARAGRAPHS 654 AND 670, TITLE XVIII, PENAL CODE OF THE REVISED STATUTES OF ARIZONA, 1913. BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

Sec. 1. That Paragraph 654, Title XVIII, of the Penal Code, Revised Statutes of Arizona be, and the same is, hereby amended to read as follows:

Par. 654. The possession of game or fish at any time, unaccompanied by a valid license or permit, shall be prima facie evidence that such game or fish was unlawfully taken and is unlawfully held. And it shall be the duty of every person to produce a proper license or permit when called upon to do so by any game warden and permit the same to be examined and copied.

The open season, inclusive of both dates mentioned, for hunting or taking game birds, game animals and fish, and the bag limit on each, shall be as follows:

Male deer, October 1, to November 1; bag limit, one deer with horns, during season.

Wild turkey, October 1, to November 1; bag limit, two, during season.

Ducks, geese, coots, rail and larger shore birds, October 15 to January 31; bag limit, 20 birds of all said varieties in one day, or in possession at any one time.

Doves and whitewings, July 15 to December 31; bag limit, not exceeding 25 birds in possession at any one time, or in one day, counting both varieties.

Gambel's or Valley quail, October 15 to December 31; bag limit, not to exceed 20 birds in one day or in possession at any one time.

Trout, of all kinds, June 1, to September 1; bag limit, 25 individual fish, not less than seven inches long, in one day or in possession at one time.

All other kinds of fish, January 1, to December 31; bag limit, not to exceed 25 pounds in one day, or in possession at one time, including all kinds here referred to.

Sec. 2. That Paragraph 670, Title XVIII, Penal Code, Revised Statutes of Arizona be, and the same is hereby amended to read as follows:

Par. 670. The State Game Warden and license collectors shall charge and collect the following license fees:

A fee of \$1.25 shall be collected from a resident for a license to fish by means of hook and line in the public waters of the State, and to hunt and take any kind of game during the open season therefor, on the public domain.

A fee of \$20 shall be collected from aliens and non-residents for a license to fish in the public waters of the State, by means of hook and line and to hunt and take any kind of game during the open season therefor, on the public domain.

A fee of \$10 shall be collected from aliens and non-residents for a license to fish by means of a hook and line, in the public waters of the State, and to hunt and take any kind of game during the open season therefor (excepting deer and turkey), on the public domain.

Sec. 3. All acts and parts of acts conflicting with this act are hereby repealed.

ARGUMENT.

(Negative.)

Submitted by

THE ARIZONA SPORTSMAN'S ASSOCIATION

Against the Measure designated on the official ballot as follows:

PROPOSED BY INITIATIVE PETITION OF THE PEOPLE.

AN ACT

RELATING TO THE PRESERVATION OF FISH AND GAME AND AMENDING PARAGRAPHS 654 AND 670, TITLE XVIII, PENAL CODE OF THE REVISED STATUTES OF ARIZONA, 1913.

If you favor the above law, vote YES; if opposed, vote NO.

306 Yes.

307 No.

ARGUMENT

ARGUMENT OPPOSING AMENDMENTS TO THE GAME LAWS, SUBMITTED BY THE ARIZONA SPORTSMEN'S ASSOCIATION.

The sportsmen of Arizona are the only ones directly interested in the enactment or enforcement of game laws. The farmers are also interested in many localities, in preventing the increase of certain game birds and animals which have been highly destructive to their crops. This measure cannot appeal to the grain-growing farmer, as it prohibits shooting of certain birds just prior to harvest time, and when the greatest damage can be done to crops.

A license fee of \$1.25 must be paid by every child who wants to sit on the bank of a stream and fish for bullheads or carp, or who goes out shooting with his father. Better give the children of Arizona a LITTLE SOMETHING in the way of pleasure without having to pay for it.

It is proposed to raise the license from fifty cents to \$1.25 per year, to hunt on the "public domain"—that is, Government land; it requires no license on private lands. What's the purpose? This department of the State government is the only one which is not limited to specific amounts in its expenditures. The only limit is the amount of money in the Game Protection Fund. What have we today to show for the immense amount of money this department has cost the sportsmen of Arizona? Not even a fish hatchery. We should have had two—one at Roosevelt, and one for trout in northern Arizona.

The sportsmen and farmers are requested to read the preceding measure carefully. If you agree with us that the proper way to enact a game law, is to get expression from the sportsmen and farmers from all sections of Arizona, and not try to have adopted the ideas of one man, vote NO.

Respectfully submitted,

THE ARIZONA SPORTSMEN'S ASSOCIATION,

D. E. MORRELL, Secretary.

H. P. DeMUND, President.

Phoenix, July 24, 1916.

AN ACT

TO AMEND PARAGRAPHS 3859 AND 3860, CHAPTER IV, TITLE 32, REVISED STATUTES OF ARIZONA, 1913, CIVIL CODE, RELATING TO ABSOLUTE DIVORCE.

AN INITIATIVE MEASURE

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the

REGULAR GENERAL ELECTION

to be held

ON THE SEVENTH DAY OF NOVEMBER, 1916.

By initiative petition of the people filed in the office of the Secretary of State, July 6, 1916, in accordance with the provisions of Paragraph 3328, Chapter I, Title XXII, Revised Statutes of Arizona, 1913, Civil Code.

Printed in pursuance of Paragraph 3332, Chapter I, Title XXII, Revised Statutes of Arizona, 1913, Civil Code.

SIDNEY P. OSBORN, Secretary of State.

The following is the form and number in which the question will be printed on the official ballot:

PROPOSED BY INITIATIVE PETITION OF THE PEOPLE.

AN ACT

TO AMEND PARAGRAPHS 3859 AND 3860, CHAPTER IV, TITLE 32, REVISED STATUTES OF ARIZONA, 1913 CIVIL CODE, RELATING TO ABSOLUTE DIVORCE.

If you favor the above law, vote YES; if opposed, vote NO.

308 Yes.

309 No.

(On Official Ballot, Nos. 308 and 309.)

AN ACT

TO AMEND PARAGRAPHS 3859 AND 3860, CHAPTER IV, TITLE 32, REVISED STATUTES OF ARIZONA, 1913 CIVIL CODE, RELATING TO ABSOLUTE DIVORCE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

Section 1. That Paragraph 3859, Chapter IV, Title 32, Revised Statutes of Arizona, 1913 Civil Code, be amended to read as follows:

3859. A divorce from the bonds of matrimony may be granted by the superior court of the county where the parties, or one of them, reside, on the application of the aggrieved party, by complaint, in any of the following cases:

(1) When adultery has been committed by either husband or wife.

(2) When one of the parties was physically incompetent at the time of marriage and the same has been continued to the time of the commencement of the suit.

(3) When one of the parties has been convicted of a felony and sentenced to imprisonment therefor in any prison. Provided, that no suit shall be sustained because of the conviction of either party for a felony until one year after final judgment of conviction, and provided further that the husband has not been convicted on the testimony of the wife, nor the wife on the testimony of the husband. And no pardon granted to either party shall take from the other the right to sue for and procure a decree of divorce for the causes mentioned in this subdivision.

(4) When one of the parties has been adjudged or determined to be insane by a court or commission of competent jurisdiction.

(5) When either party has wilfully deserted the other for the term of one year next preceding the commencement of the suit, or for habitual intemperance of either party.

(6) When either party habitually uses, or becomes addicted to the use of opium, morphine, or cocaine, or any of the derivatives of opium, morphine or cocaine.

(7) Where the husband or wife is guilty of excesses, cruel treatment or outrages toward the other, whether by the use of personal violence or other means.

(8) When the husband has neglected for the period of one year to provide his wife with the common necessities of life, having the ability to provide the same, or failing to do so by reason of his idleness, profligacy or dissipation.

(9) When prior to the marriage either party shall have been convicted of a felony or infamous crime in any state, territory or country without the knowledge on the part of the other party of such fact at the time of such marriage.

(10) When prior to the marriage, either party shall have contracted, or be afflicted with, an incurable venereal disease or other incurable infectious or contagious disease without the knowledge on the part of the other party of such fact at the time of such marriage.

(11) In favor of the husband when the wife at the time of the marriage shall have been pregnant by another man than the husband and without his knowledge at the time of such marriage.

Section 2. That Paragraph 3860, Chapter IV, Title 32, Revised Statutes of Arizona be amended to read as follows:

3860. No suit for divorce from the bonds of matrimony shall be maintained in any court unless the plaintiff shall, at the time of filing his or her complaint, have been an actual bona fide resident of the State for six months and shall have resided in the county where the suit is filed six months next preceding the filing of the suit, and unless such residence shall have been acquired in good faith and not for the purpose of obtaining a divorce.

Filed July 6th, 1916. SIDNEY P. OSBORN, Secretary of State.

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